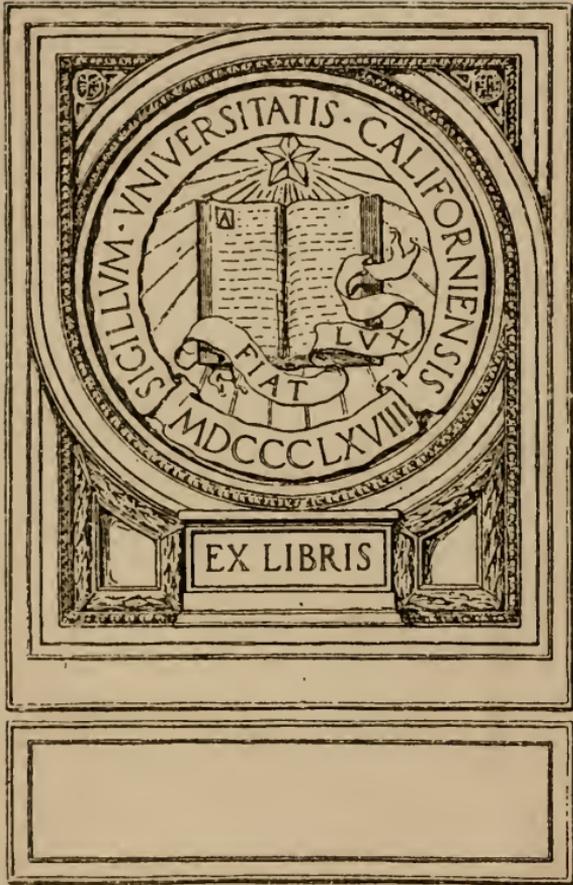


THE SPEAKER  
OF THE HOUSE  
MICHAEL MACDONAGH







**THE SPEAKER OF THE HOUSE**

BY THE SAME AUTHOR

IRISH LIFE AND CHARACTER

THE LIFE OF DANIEL O'CONNELL

THE VICEROY'S POST-BAG

THE BOOK OF PARLIAMENT

PARLIAMENT: ITS ROMANCE, COMEDY, AND PATHOS

SIR BENJAMIN STONE'S PARLIAMENTARY PICTURES



70 000  
ANNONIA



THE HOUSE OF LORDS IN 1742  
(THE SPEAKER AT THE BAR)  
FROM AN ENGRAVING BY JOHN PINE



# THE SPEAKER OF THE HOUSE

BY

MICHAEL MACDONAGH

WITH SIXTEEN ILLUSTRATIONS

METHUEN & CO. LTD.  
36 ESSEX STREET W.C.  
LONDON

TO THE MEMBERS OF THE  
BOARD OF DIRECTORS

JN 6<sup>78</sup>  
.M2

*First Published in 1914*

TO THE  
MEMBERS OF THE

BOARD OF DIRECTORS

## PREFACE

THIS book is based mainly on the parliamentary records, original and official, especially as they appear in the light cast upon them by scholarly editors and commentators, supplemented by my own observation of the House of Commons from the Reporters' Gallery, a deeply interesting study extending over twenty-four years. The principal sources of information from which I have largely drawn are, giving them in their chronological sequence, the *Rolls of Parliament*, the *Journals of the House of Commons*, and the *Parliamentary Debates*, the latter being popularly known as "Hansard."

The origin of the Speakership is to be found in "The Good Parliament" held in 1376, the fiftieth year of the reign of Edward III. The *Rolls* began in 1278, the sixth year of the reign of Edward I., and ended in 1503, the nineteenth year of the reign of Henry VII. They consist of reports by Chancery officials concerning the petitions, pleas, and proceedings of Parliament, and were printed by order in six folio volumes during the years 1767 to 1777 under the title *Rotuli Parliamentum*. As the records in the early volumes are given in a mixture of Norman-French, Latin, and ancient English, the study of them is beset with many difficulties. Happily they were unlocked to the general student by a copious index in a folio volume of 1036 pages, published in 1832 by order of the House of Lords, which constitute an admirable guide to the information contained

b

in these records. Much that is in them is shadowy and obscure. Too often the entries are as brief as brief could be. The most important and interesting events are treated with an economy of words that is at times disappointing, if not exasperating. But it would, of course, be too much to expect to find a full and picturesque account of the doings of Parliament in these ancient chronicles; and with all their brevity and incompleteness, they are of high value to the historian.

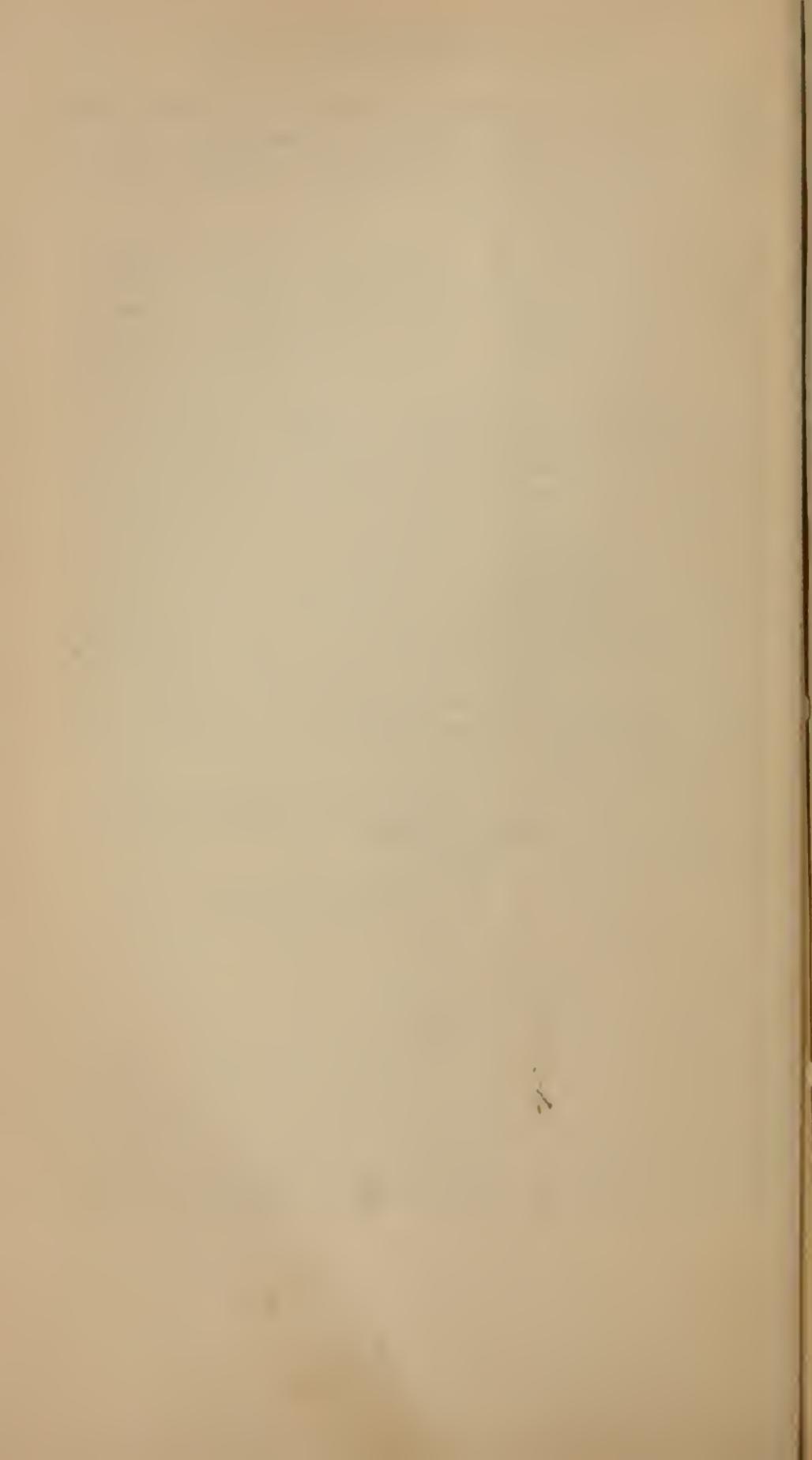
While the printed *Journals of the House of Lords* commence in 1509, the first year of the reign of Henry VIII., the printed *Journals of the House of Commons* do not begin until 1547, the first year of the reign of Edward VI. Not only have the official records of the Commons before 1547 disappeared, but in the printed volumes there is a blank between 1581 and 1603, the years of the latter half of the ten Parliaments of Elizabeth, though fortunately much information concerning them is to be found in *The Journals of all the Parliaments during the Reign of Queen Elizabeth*, compiled by the antiquary, Sir Symonds D'Ewes, who was a Member of Parliament in the reign of Charles I., and seems to have had access to the official records since lost, as well as to many private sources of authority. The *Commons Journals* now consist of 166 folio volumes, bringing the official report made by the Clerks of the House down to the end of the year 1910. The opening volume carries the record down to March 2, 1628, the fourth year of the reign of Charles I. It has no date of publication. The fly-leaf of the copy in the British Museum Library contains the written inscription, "Presented by Order of His Majesty, January 24, 1772," but it was in 1742 that the *Journals* were first printed by order of the House of Commons. For the purpose of this book the *Journals* are really invaluable. They are official and accurate, and are, besides, plentifully

interspersed, more especially in the earlier volumes, with incidents described in the quaintest circumstantiality, which help to present the first elections to the Chair in their true colour and atmosphere.

The *Parliamentary Debates* down to the end of the year 1910 fill altogether 680 volumes. The first 36 volumes, known as the *Parliamentary History*,—which we owe to the enterprise of William Cobbett as a publisher,—contains a narrative of Parliament from the earliest times to the year 1803, when the reports of the debates, or “Hansard” (so called from the printer), were commenced. The narrative is not very accurate perhaps. Since its compilation in the opening years of the nineteenth century we have had to unlearn a good many things therein recorded, particularly about the Parliaments of the Middle Ages, owing to the numerous original sources of information of the greatest interest and utility which have since become available. But the value of the *Debates* is inestimable. These full reports of the speeches and proceedings in both Houses are quite beyond price to the parliamentary historian and constitutional writer.

The other authorities to which I am indebted are far too numerous to be set forth here in detail. They are mentioned, as I quote from them, in the text.

MICHAEL MACDONAGH



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## ROLL OF SPEAKERS

THE following is a list of the Speakers of the House of Commons, with the constituency for which each sat, and the year and Parliament in which he was elected:—

Speaker.	Constituency.	Year of Election.	Parliament.
Sir Peter de la Mare . . .	Herefordshire	1376	30 Edward III.
Sir Thomas Hungerford . .	Wiltshire	1377 (Jan.)	31 ..
Sir Peter de la Mare . . .	Herefordshire	1377 (Oct.)	1 Richard II.
(second term)			
Sir James Pickering . . .	Westmoreland	1378	2 ..
Sir John Goldsborough . .	Essex	1380	4 ..
Sir Richard Waldegrave . .	Suffolk	1381	5 ..
Sir James Pickering . . .	Yorkshire	1383	6 ..
(second term)			
Sir John Bussy . . .	Lincolnshire	1394	17 ..
Sir John Cheney . . .	Gloucestershire	1399 (Oct. 14)	1 Henry IV.
John Dorewood . . .	Essex	1399 (Oct. 15)	2 ..
Sir Arnold Savage . . .	Kent	1401	3 ..
Sir Henry Redford . . .	Lincolnshire	1402	4 ..
Sir Arnold Savage . . .	Kent	1404 (Jan.)	5 ..
(second term)			
Sir William Esturmy . . .	Devon	1404 (Oct.)	6 ..
Sir John Tyffolt . . .	Huntingdonshire	1406	7 ..
Thomas Chaucer . . .	Oxfordshire	1407	8 ..
William Stourton . . .	Dorset	1413 (May)	1 Henry V.
John Dorewood . . .	Essex	1413 (June)	2 ..
(second term)			
Sir Walter Hungerford . .	Wiltshire	1414 (April)	3 ..
Thomas Chaucer . . .	Oxfordshire	1414 (Nov.)	4 ..
(second term)			
Sir Richard Redmayne . .	Yorkshire	1415	5 ..
Sir Walter Beauchamp . .	Wiltshire	1416 (March)	6 ..
Roger Flower . . .	Rutland	1416 (Oct.)	7 ..
Roger Hunt . . .	Bedfordshire	1420	8 ..
Thomas Chaucer . . .	Oxfordshire	1421 (May)	10 ..
(third term)			
Richard Baynard . . .	Essex	1421 (Dec.)	11 ..
Roger Flower . . .	Rutland	1422	1 Henry VI.
(second term)			

Speaker.	Constituency.	Year of Election.	Parliament.
Sir John Russell . . .	Herefordshire	1423	2 Henry VI.
Sir Thomas Wauton . . .	Bedfordshire	1425	3 "
Sir Richard Vernon . . .	Derbyshire	1426	4 "
John Tyrrel . . .	Herts	1427	5 "
William Alington . . .	Cambridgeshire	1429	6 "
John Tyrrel . . . (second term)	Essex	1431	7 "
Sir John Russell . . . (second term)	Herefordshire	1432	8 "
Roger Hunt . . . (second term)	Huntingdonshire	1433	9 "
John Bowes . . .	Nottinghamshire	1435	10 "
Sir John Tyrrel . . . (third term)	Essex	1437 (Jan.)	11 "
William Burley . . .	Salop	1437 (Mar.)	"
William Tresham . . .	Northamptonshire	1439	12 "
William Burley . . . (second term)	Salop	1445	14 "
William Tresham . . . (second term)	Northamptonshire	1447	15 "
John Say . . .	Cambridgeshire	1449 (Feb.)	16 "
Sir John Popham . . .	Hants	1449 (Nov. 7)	17 "
William Tresham . . . (third term)	Northamptonshire	1449 (Nov. 8)	"
Sir William Oldhall . . .	Hertford	1450	18 "
Thomas Thorpe . . .	Essex	1453	19 "
Sir Thomas Charlton . . .	Middlesex	1454	"
Sir John Wenlock . . .	Bedfordshire	1455	20 "
Thomas Tresham . . .	Northamptonshire	1459	21 "
John Green . . .	Essex	1460	22 "
Sir James Strangewaies . . .	Yorkshire	1461	1 Edward IV.
John Say . . . (second term)	Hertford	1463	2 "
William Alington . . .	Cambridgeshire	1472	6 "
John Wode . . .	Sussex	1483	8 "
William Catesby . . .	Northamptonshire	1484	Richard III.
Thomas Lovel . . .	Northamptonshire	1485	1 Henry VII.
Sir John Mordaunt . . .	Bedfordshire	1487	2 "
Sir Thomas FitzWilliam	Yorkshire	1489	3 "
Richard Empson . . .	Northamptonshire	1491	4 "
Sir Robert Drury . . .	Suffolk	1495	5 "
Thomas Ingelfield . . .	Berkshire	1497	6 "
Edmund Dudley . . .	Staffordshire	1504	8 "
Sir Thomas Ingelfield . . . (second term)	Berkshire	1510	1 Henry VIII.
Sir Robert Sheffield . . .	Lincolnshire	1512	2 "
Thomas Neville . . .	Kent	1515	3 "
Sir Thomas More . . .	Middlesex	1523	4 "
Thomas Audley . . .	Essex	1529	5 "
Humphrey Wingfield . . .	Suffolk	1533	"
Sir Richard Rich . . .	Essex	1536	6 "
Sir Nicholas Hare . . .	Norfolk	1539	7 "

Speaker.	Constituency.	Year of Election.	Parliament.
Sir Thomas Moyle	Kent	1542	8 Henry VIII.
Sir John Baker	Huntingdonshire	1547	1 Edward VI.
James Dyer	Cambridgeshire	1553 (Mar.)	2 "
John Pollard	Oxfordshire	1553 (Oct.)	1 Mary
Robert Brooke	London	1554 (April)	2 "
Clement Heigham	West Looe	1554 (Nov.)	1 Philip and Mary
John Pollard (second term)	Chipenham	1555	2 " "
William Cordell	Suffolk	1558	3 " "
Sir Thomas Gargrave	Yorkshire	1559	1 Elizabeth
Thomas Williams	Exeter	1563	2 "
Richard Onslow	Stevington	1566	" "
Christopher Wray	Ludgershall	1571	3 "
Robert Bell	Lyme Regis	1572	4 "
John Popham	Bristol	1581	" "
John Puckering	Bedford Town and Gatton	1584	5 "
Thomas Snagge	Bedford Town	1589	7 "
Edward Coke	Norfolk	1593	8 "
Christopher Yelverton	Northamptonshire	1597	9 "
John Croke	London	1601	10 "
Sir Edward Phelips	Somerset	1604	1 James I.
Sir Randolph Crewe	Brackley	1614	2 "
Thomas Richardson	St. Albans	1621	3 "
Sir Thomas Crewe	Aylesbury	1624	4 "
Sir Heneage Finch	London	1626	2 Charles I.
Sir John Finch	Canterbury	1628	3 "
John Glanville	Bristol	1640 (April)	4 " ("Short Parliament")
William Lenthall	Woodstock	1640 (Nov.)	5 Charles I. ("Long Parliament")
Henry Pelham (after flight of Lenthall)	Grantham	1647 (July 30)	" "
William Lenthall	Woodstock	1647 (returned Aug. 6)	("Rump Parliament")
Francis Rous	Devon	1653	("Barebones Parlia- ment")
William Lenthall (second term)	Oxfordshire	1654	2 Oliver, Protector
Sir Thomas Widdrington	Northumberland	1656	3 " "
Bulstrode Whitelocke	Buckinghamshire	1657 (Jan.)	" "
Sir Thomas Widdrington (returned)		1657 (Feb.)	" "
Chaloner Chute	Middlesex	1659 (Jan. 27)	Richard, Protector
Sir Lislebone Long	Wells	1659 (Mar. 9)	" "
Thomas Bampfylde	Exeter	1659 (Mar. 16)	" "
William Lenthall (recalled)	Oxfordshire	1659 (May 7)	("Rump Parliament")
William Say	Camelford	1660 (Jan. 13)	" "
William Lenthall (recalled)		1660 (Jan. 21)	("Long Parliament" restored)
Sir Harbottle Grimston	Colchester	1660 (Apr. 25)	("Convention Parlia- ment")

Speaker.	Constituency.	Year of Election.	Parliament.
Sir Edward Turnour .	Hertford	1661	2 Charles I. ("Per sionary Parliament
Sir Job Charlton . .	Ludlow	1673 (Feb. 4)	" "
Edward Seymour . .	Totnes	1673 (Feb. 18)	" "
Sir Robert Sawyer . .	Wycombe	1678 (April)	" "
Edward Seymour . .	Totnes and (second term) Devon	1678 (May)	" "
Sir William Gregory .	Weobley	1679	3 Charles II.
William Williams . .	Chester City	1680	4 "
Sir John Trevor . . .	Denbigh Town	1685	James II.
Henry Powle . . . .	Windsor	1689	("Convention Parli ment")
Sir John Trevor . . .	Beeralston	1690	William and Mary
(second term)			
Paul Foley . . . . .	Hereford	1695	" "
Sir Thomas Littleton .	Woodstock	1698	2 William III.
Robert Harley . . .	New Radnor	1701	3 "
John Smith . . . . .	Andover	1705	2 Anne
Sir Richard Onslow .	Surrey	1708	3 "
William Bromley . . .	Oxford University	1710	4 "
Sir Thomas Hamner . .	Suffolk	1714	5 "
Spencer Compton . . .	Sussex	1715	1 George I.
Arthur Onslow . . . .	Surrey	1728	1 George II.
Sir John Cust . . . . .	Grantham	1761	1 George III.
Sir Fletcher Norton . .	Guildford	1770	2 "
Charles Wolfran Cornwall	Winchelsea	1780	4 "
William Wyndham Gren- ville . . . . .	Buckinghamshire	1789 (Jan.)	5 "
Henry Addington . . .	Devizes	1789 (June)	" "
Sir John Mitford . . .	Northumberland	1801	7 "
Charles Abbot . . . . .	Woodstock	1802	" "
Charles Manners-Sutton.	Scarborough	1817	11 "
James Abercromby . . .	Edinburgh	1835	4 William IV.
Charles Shaw-Lefevre . .	Hampshire (N)	1839	1 Victoria
John Evelyn Denison . .	Nottinghamshire (N)	1857	5 "
Henry Bouverie Brand . .	Cambridgeshire	1872	8 "
Arthur W. Peel . . . .	Warwick and Leamington	1884	10 "
William Court Gully . .	Carlisle	1895	14 "
William J. Lowther . . .	Cumberland, Penrith	1905	1 Edward VII.



**THE SPEAKER OF THE HOUSE**



# THE SPEAKER OF THE HOUSE

## CHAPTER I

### HOW THE SPEAKER IS ELECTED

IN the Royal Proclamation dissolving Parliament the date is fixed for the meeting of the new Parliament, after the General Election. On the day appointed, Members returned by the constituencies assemble at St. Stephens, Palace of Westminster. But though the elected representatives of the people are thus gathered together, the House of Commons is not yet constituted. The great Chair at the top of the chamber is unoccupied. The Assembly is without a President. The House of Commons is not constitutionally formed until the Members have sworn allegiance, and they cannot subscribe to the oath, and are voiceless, so far as public affairs are concerned, until the Speaker—the “mouth” of the House—is elected.

The Clerk of the House of Commons, sitting in his chair at the Table, in wig and gown, acts as moderator while the Assembly is passing through this transitional stage to final completion. But the Clerk cannot do this simply by virtue of his office. He is powerless without the Mace, the symbol of the Speaker's authority. It seems, indeed, that unless the Mace is present there can be no election of Speaker.<sup>1</sup> Accordingly, the Mace has been brought from the Tower of London—where it is deposited for safe keeping during

<sup>1</sup> Hatsell, *Precedents*, vol. 2, p. 218 (1818 edition).

the parliamentary recess—and is placed, not upon the Table, where it conspicuously rests, as will be seen later, when the House is sitting and Mr. Speaker is in the Chair, but below the Table, out of view.

It cannot yet be said, however, that the way is clear for the Commons to carry out the election of a Speaker. Both the theory and practice of the Constitution require that before the Commons proceed to choose a Speaker they must have received the assent of the Sovereign. It is in the House of Lords that this authorization is given to them. Black Rod, the messenger of the Lords, therefore soon appears, carrying his ebony rod tipped with gold, and conducts the Clerk and Members of the House of Commons to the Bar of the House of Lords. The Lord Chancellor and four other peers are seated, in their scarlet and ermine robes, on a form placed between the Throne and the Woolsack. They are the Lords Commissioners appointed by the King to conduct, in his absence, these preliminaries to the State opening of the new Parliament. Addressing both the Lords and Commons, the Lord Chancellor says:—

“My Lords and Gentlemen,—We have it in command from His Majesty, to let you know that His Majesty will, as soon as the Members of your Houses shall be sworn, declare the causes of his calling this Parliament; and, it being necessary that a Speaker of the House of Commons shall be first chosen, it is His Majesty’s pleasure that you, gentlemen of the House of Commons, repair to the place where you are to sit, and there proceed to the choice of some proper person to be your Speaker; and that you present such person whom you so shall choose here to-morrow, at noon, for His Majesty’s royal approbation.”

Then the Clerk and the Commons—without a word having been spoken on their side—return to their Chamber, where they immediately proceed to the discharge of their first duty, that of electing a Speaker. There is usually no doubt as to the Commons’ choice. The Speaker of the last Parliament is again available, and in accordance with the now well-established custom of re-electing the same Speaker,

Parliament after Parliament, so long as he is willing and fit to serve, the late Speaker is to be installed in the Chair again.

The Clerk resumes his seat at the Table. He it is who has to guide and direct the House in the election of Speaker. But he is not allowed to speak, unless in the case of a contest for the Chair, when he has to put the question for decision in the division lobbies. Everything else that falls to him to do must be done in dumb show. All the arrangements, however, have been made beforehand. So, rising from his seat, the Clerk points with outstretched finger at the Member who is to move: "That — do take the Chair of this House as Speaker." This motion has to be seconded by another Member, and he also is indicated in the same manner by the Clerk. The choice of the proposer and seconder is regulated by certain recognized customs. In the first place, they are such as are agreeable to the Speaker-designate. A county and a borough Member are generally selected, and selected from different sides of the House, at any rate when the Speaker is re-elected without opposition.<sup>1</sup> Above all, no Minister must be the proposer or the seconder. So much is the election or re-election of a Speaker regarded as the independent and unfettered action of the House that the Government are supposed to have nothing whatever to do with it. It has been an unwritten law that no Minister shall propose a candidate for the Chair since John Hatsell, Chief Clerk from 1768 to 1797, and author of *Precedents of the House of Commons*, warned William Pitt in 1789 that it would be unfitting in him as Prime Minister to nominate Henry Addington. "I think that the choice of a Speaker should not be made on the motion of the Minister," said Hatsell to Addington. "Indeed, an invidious use may be made of it to represent you as the friend of the Minister rather than the choice of the House." Pitt was anxious to pay Addington the compliment of proposing him, but he recognised the force of Hatsell's point.<sup>2</sup> Since

<sup>1</sup> May, *Law and Usage of Parliament*, 154 (11th edition, 1906).

<sup>2</sup> Pellew, *Life of Lord Sidmouth*, 78, 79. Addington was raised to the peerage as Lord Sidmouth.

then the candidate for the Chair has always been proposed and seconded by distinguished unofficial Members.

There can be no doubt, however, that though the Speaker is never proposed by a Minister, and theoretically the choice is left freely to the House, the Government, in practice, retain the control of affairs, even when the Speaker of one Parliament is re-elected without opposition by another. When John Evelyn Denison was re-elected to the Chair for the third time, at the meeting of a new Liberal Parliament in 1866, both his proposer and seconder were Ministerialists, and Disraeli complained of this departure from the usual course of choosing the seconder from the Opposition. What happened behind the scenes is explained by Denison in his *Diary*. Earl Russell, the Prime Minister, wrote to him inquiring whether he wished to select any person to nominate him for the Speakership, or would prefer to leave the arrangements to the Government. Denison appeared at the outset to favour being proposed by a Liberal and seconded by a Conservative. But Gladstone, now for the first time Leader of the House of Commons, was opposed to the taking of this course, owing to the strained relations between Liberals and Conservatives on the vexed question of Reform. He wrote "That on this occasion, which was different from the last, it would seem fitting that the Government should propose the Speaker, and should not attempt to fetter or compromise the House by an arrangement beforehand with the Opposition side," and with this view Denison concurred.<sup>1</sup>

It is traditional for the proposer and seconder to make speeches in the grand manner. The highest note of eulogy is struck in the stateliest of diction. The candidate for the Chair is a hero, indeed, to his sponsors. They not only endow him with every qualification for the office, but they present him to the House as a "superman," quite the most perfect specimen of the human kind. Sometimes this splendid being is purely a thing imagined, the offspring of an amiable ignoring of proportion, and good-natured

<sup>1</sup> Denison, *Notes from My Journal*, 184.

extravagance of praise. But happily in most cases it can at least be said—such is the discernment of the House, or the Ministry—that the candidate is the right man for the place, the best of all possible selections. The Speaker-designate, all the time that pleasant things are thus being said of him, sits with the political Party to which he belongs, whether it be on the Ministerial or on the Opposition side of the House. And as he stands up in his place and expresses his sense of the honour proposed to be conferred upon him, and submits himself humbly to the House, his words are touched with emotion. As there is no opposition, the Member proposed is called by the House to the Chair without any question being put by the Clerk.<sup>1</sup> The unanimous call is expressed by cheers from all parts of the House.

The Speaker-elect is then taken out of his place by the proposer and seconder and conducted to the Chair. It was formerly the custom for the Speaker-elect to make a pretence of desiring to refuse the crown of bays. It was not that he was oppressed by the sense of the petty emptiness of things, of the illusions of authority and distinction. On the contrary, he was dazzled by the brilliant lustre of the glory which it was proposed to confer upon one so utterly humble and unworthy. He made repeated protestations of his unfitness for the post. He vowed that he possessed none of the gifts, mental and physical, necessary for the proper discharge of its duties. Therefore, with all due acknowledgment of the kind and flattering intention of the House, he begged to be excused. But the House, of old, cried "To the Chair, to the Chair." Then as he was being led to the Chair the Speaker-elect indulged in a show of physical resistance. He disputed the ground with his sponsors inch by inch and yard by yard. See him in the seventeenth century: wriggling his shoulders, as if he were struggling against captors leading him to the dungeon or the stake! And when at last he was placed in the Chair, he appealed to the House, not for their congratulations on

<sup>1</sup> May, *Law and Usage of Parliament*, 154.

having attained to a position of such high distinction, but for their condolences on being compelled to accept a post of difficulty and embarrassment for which he was most unsuited.

This ludicrous comedy of mock modesty was repeated at every election or re-election of Speaker for more than four centuries. It began very early. Sir Richard Waldegrave, the fifth of the long line of Speakers, who occupied the Chair in 1381, was the first who thus "disabled" himself, according to the meagre and imperfect records of the origin of the Speakership. It continued down to the commencement of the nineteenth century, though, as time progressed, it dwindled in absurdity. The first Speaker boldly to decline to say he was unfit for the office was Mitford, who was elected in 1801.

In our days the Speaker-elect surrenders himself to his sponsors deferentially, but without any of the old pretence of reluctance to be called to the Chair.

They take him each by a hand, and, conducting him through the narrow passage between the Treasury Bench and the Table, only leave him when he stands on the dais of the Chair and faces the House. Here again the Speaker-elect expresses his "grateful thanks" and his "humble acknowledgments" for "the high honour the House has been pleased to confer" upon him. And well may he feel proud and elated. He has come into the rich and brilliant heritage of a great historical post; his name has been imperishably added to the long and unbroken line of Speakers of the House of Commons, stretching back from the twentieth century to the fourteenth. Then amid the renewed acclamations of the House he takes his seat in the Chair. The Serjeant-at-Arms comes up the floor from his place by the Bar and lays the Mace in the position it occupies on the Table when the House is ordinarily sitting for business. Congratulations to the Speaker-elect are offered by the Leader of the House and the Leader of the Opposition. The House then adjourns. The motion for adjournment is put by the Speaker-elect, and when he



declares it carried he leaves the Chamber. The first stage of the election of the Speaker is completed.

Though the Commons have chosen one of their number to take the Chair as Speaker, the person selected has to submit himself at the Bar of the House of Lords for the Sovereign's approbation before he can enter upon the duties of his office. Until the royal ratification has been signified he continues to be styled "the Speaker-elect."

Thus it would seem as if the Commons cannot elect their Speaker without first having got the leave of the Sovereign; and secondly, as if their choice is ineffective until it has received the royal approbation. Ever since the institution of the office, almost, this has been the custom. Nevertheless, there have been several instances of a Speaker having of necessity been appointed without either the Sovereign's consent or the Sovereign's approval. There were the cases of the Speakers elected during the Commonwealth, when there was no King. There were the cases, also, of the Speakers of the Convention Parliament of 1660, which restored Charles II. to the Throne, and of the Convention Parliament of 1688, which declared the Throne vacated by the flight of James II., neither of whom received the hall mark of the Crown. There has been one instance of these formalities having been dispensed with even when there was a King. On the death of Mr. Speaker Cornwall, in 1789, George III. was mentally incapacitated from attending to any business, and William Wyndham Grenville was elected to the Chair without any attempt to assume even the appearance of the royal sanction.

Only once has the Sovereign exercised the veto on the choice of the Commons for the Chair. This was the case of Edward Seymour, who though he had served as Speaker in one of the Parliaments of Charles II. failed to receive the approval of that monarch when he was re-elected in a new Parliament, and another Member had to be chosen in his stead. Whether the veto of the Crown on the Speakership is now operative is extremely problematical. Perhaps it has gone, and for ever, like the veto of the Crown in legislation. The

last time the royal assent was refused to a Bill which passed both Houses was, as is well known, in the reign of Queen Anne. That prerogative of the Crown is now generally regarded as being as dead as Queen Anne, which is as much as to say that it is as dead as dead can be. It may be said, in like manner, that the royal veto on the Speakership is as dead as Charles II., which should be still more the death from which there is no resurrection; and that consequently the choice of the Speaker is the exclusive and absolute right of the Commons, uncontrolled by any outside authority whatever.<sup>1</sup>

## CHAPTER II

### AT THE BAR OF THE HOUSE OF LORDS

THE ancient forms are, however, strictly adhered to. The King gives his consent to the faithful Commons to choose their Speaker, and having made their selection the Commons, faithful still, submit their nominee for the royal approval. The second day sees the observance of this formality, which completes the full ritual of election to the Chair of the House of Commons on the assembling of a new Parliament. The Speaker-elect ceremoniously enters the chamber by the main door, under the clock, attended by the Serjeant-at-Arms. It is obvious that his evolution as "Mr. Speaker" is not yet completed. He is still, as it were, in the chrysalis state. He appears only half made up, so far as his distinctive or official costume is concerned. He wears the usual Court dress

<sup>1</sup> Hatsell, writing in 1776, says the Sovereign's consent to the election of Speaker and approbation of the choice of the Commons are founded upon precedents 'from the earliest accounts of the House of Commons, and remains in operation, the instances quoted to the contrary notwithstanding (*Precedents*, vol. 2, p. 220).

On the other hand, Sir William Anson, writing in 1889, says "the approval of the Speaker-elect by the King is not seemingly a legal necessity" (*Law and Custom of the Constitution*, vol. i. p. 76, 4th edition).

—cut-away coat, ruffles, knee-breeches, silk stockings, and silver-buckled shoes—but not his full flowing black robe, and on his head there is a small bob-wig, instead of the customary large and ample wig, the wings of which fall over his shoulder, in which he is seen when he presides over the House of Commons.

May's standard and official work on the *Law and Usage of Parliament* says nothing on the subject of the Speaker's dress. It simply records that "The House meets on the following day, and Mr. Speaker-elect takes the Chair and awaits the arrival of Black Rod from the Lords Commissioners."

Here, then, arises one of many questions which beset the inquirer into parliamentary habits and customs, to which it seems no definite answer can be returned. What is the real significance of this bob-wig,—when was it first worn,—was its use originally restricted to Speakers-elect who had been "bred to the law"? The inquiry is suggested by a curious entry in the *Diary* of Mr. Speaker Denison. Referring to his re-election on February 2, 1866, he writes: "I had intended to have gone to the House of Lords without my small wig, but it occurred to me that in walking through the long courts and passages I should catch cold in my head, so I did wear the small wig, to which I have no claim or title, not being a lawyer."<sup>1</sup>

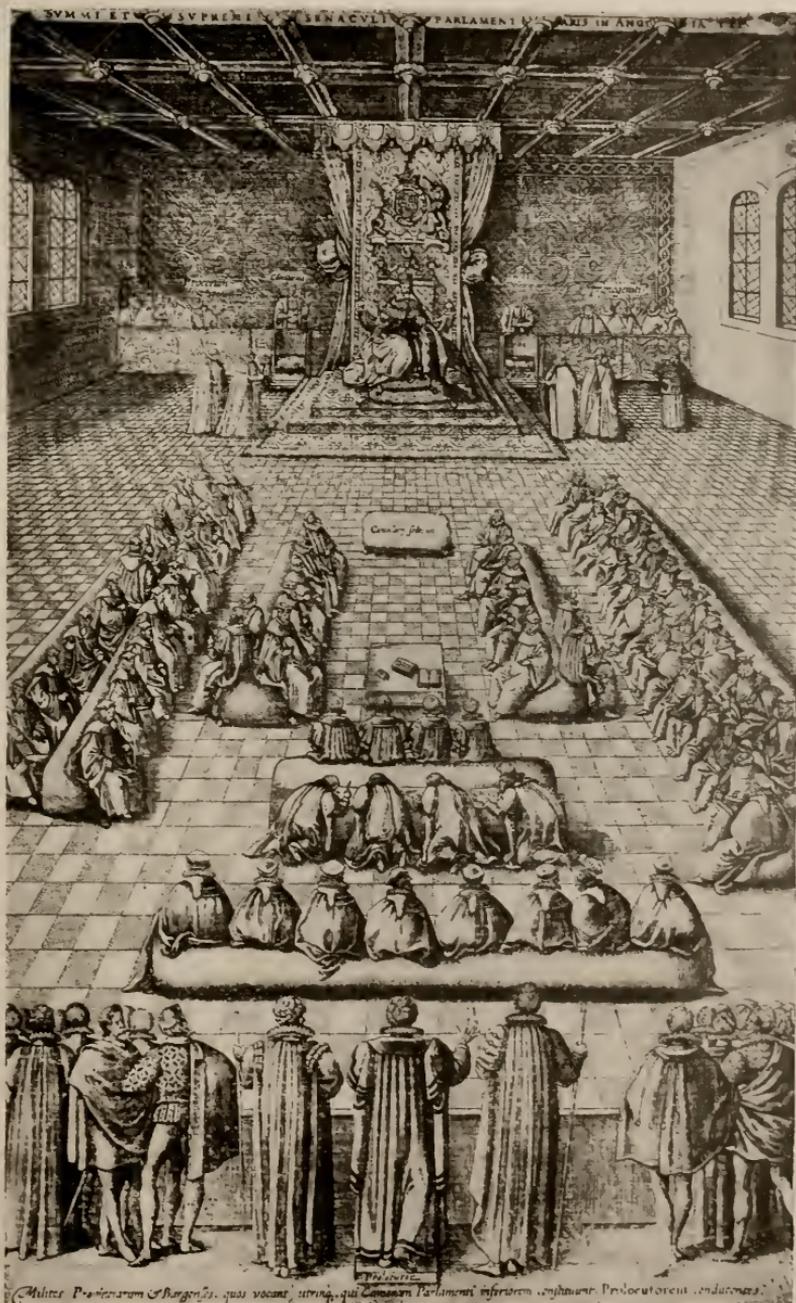
It is noticeable, too, that the Serjeant-at-Arms does not bear the Mace in the usual fashion, sloped upon his right shoulder. He carries it as if it were a baby, resting in the curve of his left arm. This is another indication that something is still wanting to make final the election of the Speaker. The Mace is not to be borne shoulder high before the Speaker until his appointment has been approved by the Sovereign. The Members of the House of Commons, however, stand up in their places with uncovered heads, as the Speaker-elect walks slowly up the floor, making three obeisances to the Chair, and sits in the Clerk's place at the Table.

<sup>1</sup> Denison, *Notes from My Journal*, 185.

The Peers assemble on this, the second, day of the new Parliament, at the same hour as the Commons; and Black Rod is at once dispatched to invite the attendance of the elected representatives of the people in the House of Lords to hear the royal will in regard to their selection for the Speakership. Black Rod is never allowed free admittance to the House of Commons. As on the first day, so too on this the second day, the door of the Chamber is closed and barred by the Serjeant-at-Arms, and not until Black Rod humbly knocks three times is he given admission. Walking to the Table with many lowly bows, he delivers his message, desiring the attendance of "this honourable House" in the House of Lords, and, having done so, retires backwards to the Bar. There he is joined by the Speaker-elect and the Serjeant-at-Arms, who still carries the Mace rather awkwardly in the hollow of his left elbow, and they proceed to the House of Lords followed by the general body of Members.

The Speaker-elect stands in the centre of the railed-in pen, known as "the Bar," of the House of Lords, with Black Rod to his right, the Serjeant-at-Arms to his left, and his proposer and seconder immediately behind him. Something is missing. Where is the Mace? If the Commons lock their door in the face of Black Rod, the Lords on their part do not permit the sight of the Mace of the Commons to affront them in their Chamber. So the Serjeant-at-Arms leaves the symbol of Mr. Speaker's power and authority with one of his messengers at the portals of the House of Lords. But elaborate courtesies are exchanged between the representatives of the King and Commons. The Speaker-elect bows to the Lords Commissioners, who are again seated, in all the glory of scarlet and ermine, on the form in front of the Throne, and they acknowledge the salutation by raising their cocked hats. Then the Speaker-elect addresses them as follows:—

"I have to acquaint your Lordships that, in obedience to his royal commands, His Majesty's faithful Commons have, in the exercise of their undoubted right and privilege, proceeded to the choice of a Speaker. Their choice has



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 THE COMMONS PRESENTING THEIR SPEAKER



fallen upon myself, and I therefore present myself at your Lordships' Bar, humbly submitting myself for His Majesty's gracious approbation."

To this the Lord Chancellor thus replies, addressing the Speaker-elect by name:—

"We are commanded to assure you that His Majesty is so fully sensible of your zeal for the public service, and your undoubted efficiency to execute all the arduous duties of the position which his faithful Commons have selected you to discharge, that he does most readily approve and confirm your election as Speaker."

Thereupon Mr. Speaker submits himself "in all humility" to His Majesty's royal will and pleasure; and entreats that if, in the discharge of his duties and in maintaining the rights and privileges of the Commons, he makes any mistake, "the blame may be imputed to him alone." During the ten or fifteen minutes that the Speaker, surrounded by the Commons, stands at the Bar of the House of Lords, he holds a significant historical colloquy with the Lord Chancellor, not as the President of the House of Peers, but as the representative of the Sovereign, which has been repeated, with some slight changes of form and substance, at every election of Speaker, on the assembling of a new Parliament, practically since the fourteenth century.

For the next duty of the Speaker is to lay claim on behalf of the Commons, by humble petition to the King, "to all their ancient and undoubted rights and privileges," and, proceeding to specify the more important, he adds, "particularly that their persons and servants may be free from arrest and molestation, that they may enjoy liberty of speech in their debates, that they may have access to His Majesty whenever occasion may require, and that all their proceedings may receive the most favourable construction."

In the twentieth century this assertion and vindication by the Speaker of the ancient rights and privileges of the Commons is solemnly reiterated, as if the Sovereign were predominant, absolute, and autocratic, still the ultimate and

supreme arbiter of the country's liberties, and as if the Commons had reason still to guard themselves and the people against the evil consequences of the royal displeasure or caprice. It was for some hundreds of years a solemn pronouncement by the Commons on a matter fateful to the nation. Without this protestation, on the assembling of every new Parliament, it would have been difficult to define and maintain the privileges of the representatives of the people over a long period of time, and before constitutional liberty was fully and definitely established.

But in these days it is far removed from the reality of things. Liberty of speech is as valuable as ever it was to the elected representatives of the people in Parliament assembled, but it is not in the smallest danger of being abrogated, except by the action of the Commons themselves. The other immunities claimed in the Speaker's petition have either been expressly abrogated or limited by statute, tacitly abandoned or dropped into disuse. The privilege of freedom from arrest was originally of very extended scope. Not only the persons of Members, but their goods were protected; and as this privilege extended also to their servants, many abuses and injustices suffered by tradesmen went unredressed. Gradually the privilege was reduced by legislation within narrow limits. It was abolished as regards servants of Members in 1770.<sup>1</sup> The freedom from arrest still enjoyed by Members themselves does not exempt them from the processes of the criminal law. It is limited to civil cases, and since the abolition of imprisonment for debt generally it has been shorn of most of its utility. But should a Member be arrested on a commitment for contempt, the Court is required immediately to inform the Speaker of the nature of his contempt, and the letter is read on the first opportunity to the House. The claim of access to the Sovereign has also in practice been considerably modified by the development of constitutional Government. Ministers can, of course, see the King on public business whenever

<sup>1</sup> 10 Geo. III. c. 50.



occasion may arise, and one of them is usually in attendance on His Majesty when he is out of London.

Why, then, should a declaration which arose out of battles long ago continue to be made centuries after these conflicts, and the causes involved in them, have been decisively lost and won? Has it degenerated into a mere form, mechanically repeated by the Speaker without any genuine heart-felt emotion? For one thing, that ceremony at the Bar of the House of Lords shows how strong is the appeal and sway of antiquity and precedent in Parliament. It has its uses also. It revives historical memories, proud and inspiring, and that must be to the good in stimulating Members of Parliament in zeal for the public service. Yet different Speakers seemingly take different views of its importance and utility. It is cold and empty, as it is said by some Speakers, but as said by others it is an epitome of the long struggle for constitutional liberty. I have heard a Speaker—lacking in the historical imagination, or perhaps too self-conscious—gabble through it shamefacedly, as if he were oppressed with the ridiculousness of having in the twentieth century to pose in quite a sixteenth-century role. From his lips the words sounded meaningless and dead. But coloured and warmed by the feelings of a Speaker of serious mind and intensity of view, and finely declaimed with an appealing gravity of tone, this ancient demand, shorn of most of its significance though it be, was transformed into a still great and still living issue; and to the new Members, no doubt, it resounded with that explicit fullness and force which constitutional development have invested it, giving them their first parliamentary inspiration.

At any rate, all these claims are readily granted by the Sovereign, speaking through the Lord Chancellor. "His Majesty," says the Lord Chancellor, "is pleased to grant and confirm them in as full and ample a manner as they have ever been granted or confirmed by himself or by any of His Majesty's royal predecessors." This ends the ceremonial. The Speaker and the Commons return to their Chamber as they came. But, see, the Mace is now

borne high on the shoulder of the Serjeant-at-Arms. And up through St. Stephen's Hall come the sound of joy bells. It is the custom, which has been observed through many generations, for the bells of St. Margaret's Church across the way—the official parliamentary place of worship—to ring a joyous peal immediately after the royal ratification of the Speaker's election has been communicated to the Commons.

On his return from the House of Lords the Speaker goes straight to his private room. A few minutes elapse, and he reappears in the House of Commons. And lo, he is in the full dress of his office. He has discarded the bob-wig for the full-bottomed wig, and over his Court dress he wears the customary long and flowing black silk gown. From the Chair the Speaker reports what took place in the House of Lords. It is one of the curious customs of Parliament that the Speaker always assumes that he has been to the House of Lords alone, and that the Commons are in absolute ignorance of what has happened there. Without the slightest tremor of emotion or the faintest indication of satisfaction, at least on the part of the old Members, the Commons learn that their "ancient rights and undoubted privileges" have been fully confirmed by the Sovereign. The solemn announcement hardly evokes even a solitary cheer. But there is loud applause upon the Speaker thus finally concluding:—

"I have now again to make my grateful acknowledgments to the House for the honour done to me in placing me again in the Chair, and to assure it of my complete devotion to its service."

Thus finishes the ancient and picturesque ceremony of the election of Speaker. From this moment the House of Commons of the new Parliament may be said really to begin its corporate existence. It has got its "mouth," to use again the term so often found in the most ancient of the parliamentary documents.

The next business is the taking of the oath of allegiance.

The Speaker is the first to swear. Standing on the upper step of the Chair he declares: "I, —, swear by Almighty God that I will be faithful and bear true allegiance to His Majesty King George V., his heirs and successors according to law." He is required by statute to be in the Chair when Members are being sworn, in like manner to bear true and faithful allegiance to the Sovereign. By Acts passed in the reigns both of Charles II. and William III. it is provided that the oath is to be taken by Members at the Table, in the middle of the said House, and whilst a full House of Commons is there duly sitting with the Speaker in his Chair.<sup>1</sup> When these Acts were passed the oath was a profession of faith as well as a protestation of loyalty, and was intended first to keep Papists—and subsequently Jacobites as well as Papists—out of the House of Commons. It was therefore provided that the oath should be taken in as public a manner as possible, so as to avoid any chance of evasion. But religious tests at the door of the House of Commons were finally abolished in the last quarter of the nineteenth century, and the oath was reduced to a simple and brief declaration of allegiance. Still, it has to be taken while Mr. Speaker is in the Chair. The custom has acquired a new value of the greatest utility. At the opening of a new Parliament, as each Member is sworn and signs the Roll, he is introduced by the Clerk to the Speaker. Thus the Speaker is enabled to obtain an acquaintance, by sight and

<sup>1</sup> 30 Chas. II. stat. 2, and 13 Will. III. c. 6. This provision is repeated by sect. iii. of the Parliamentary Oaths Act, 1866.

On June 5, 1855, some Members took the oath while the Chair was occupied by the Chairman of Ways and Means as Deputy Speaker. Doubts were then raised in regard to the legality of the oath when administered in the absence of the Speaker, and to remove them an Act was passed (18 & 19 Vict. c. 84) to establish the validity of these, and other proceedings, transacted while the Deputy Speaker was in the Chair. At this time the authority empowering the Chairman of Ways and Means to take the Chair as Deputy Speaker was only a standing order and had not been confirmed by statute. On the assembling of Parliament, consequent on the death of King Edward VII. in May 1910, Members took the oath of allegiance to the new Sovereign in the presence of the Deputy Speaker (Mr. Emmot), who presided owing to the absence abroad of Mr. Speaker Lowther.

name, with the new Members. That is rather an important matter. When the debates begin the Speaker will have to call in turn those whom he selects to speak; and one of his most difficult tasks is to be able to associate, at a moment's notice, the name of a newly elected Member with his features. Therefore the Speaker, as he shakes each new-comer by the hand, eagerly scans his appearance for future identification.

### CHAPTER III

#### CONTINUITY OF THE OFFICE OF SPEAKER

THE procedure, then, that is followed at the opening of a new Parliament is that the Speaker of the late Parliament is, in accordance with invariable practice, re-elected to the Chair. But what is more interesting and important is what happens when the Chair becomes vacant by death or resignation and a new Speaker has to be chosen. It is a curious fact that, in the long history of the Chair of the House of Commons, only two Speakers have died in harness. The latest instance is so far back as 1789. A vacancy in the Chair is caused as a rule by the resignation of the Speaker during the progress of a session.<sup>1</sup>

The election of a new Speaker in this eventuality differs in certain particulars from the re-appointment of the late Speaker at the opening of a new Parliament. The form in which the assent of the Sovereign is intimated to the Commons is different. The Commons are not summoned to the Bar of the House of Peers to hear from the Lord Chancellor the King's will and pleasure that they should elect a Speaker.

A Minister, usually the Leader of the House, rises and

<sup>1</sup> On the resignation of Peel, Mr. Speaker Gully was elected on the day upon which the House adjourned for Easter in 1895, and on the resignation of Gully, Mr. Speaker Lowther was elected on the day of the adjournment for Whitsuntide in 1905, and in each case the Speaker-elect was presented for the Sovereign's approval on the first day of the meeting of Parliament after the holidays.

states that His Majesty "gives leave to the House to proceed forthwith to the choice of a new Speaker"; and when the new Speaker has been elected, the same Minister acquaints the House that it is the King's pleasure that they should present their choice the next day in the House of Peers, for His Majesty's approbation.<sup>1</sup>

How is the Member who is to be nominated for the Chair selected in these circumstances? In the first place, no Member can be proposed who has not taken the oath and his seat. On the occasion of the election of Mr. Speaker Mitford, on February 11, 1801, during the existence of a Parliament, Richard Brinsley Sheridan desired to nominate Charles Dundas; but William Pitt, the Leader of the House, pointed out that as Dundas had not taken the oath and his seat he was disqualified.<sup>2</sup> The Chair has always been regarded as the legitimate prize of the Party in office or in power when it becomes vacant by resignation. The Speaker therefore, on his first election, has invariably been the nominee of the Government of the day. The Government select for the Chair a fit and proper person from among their supporters in the House, although his formal nomination is made and seconded, not by Ministers, but by private Members. But while the new Speaker is thus, in fact, chosen and appointed by the Government, it has always been customary for the name of the choice of the Ministry to be first submitted privately to the Leader of the Opposition, before being made public, with a view to ensuring, if possible, the unanimous call to the Chair of some Member acceptable to both sides of the House.

Rarely, indeed, is there a contest. Only on two occasions in the nineteenth century was opposition offered to the Government nominee for the Chair when it fell vacant by resignation, and on each occasion it was unsuccessful. These were the elections of Charles Shaw-Lefevre, Whig, over Henry Goulburn, Tory, in 1839, and of William Court Gully, Liberal, over Sir M. White Ridley, Conservative, in 1895.

<sup>1</sup> May, *Law and Usage of Parliament*, 157.

<sup>2</sup> *Parliamentary History*, vol. 35, p. 591.

When there is a contest a debate takes place on the respective merits of the rival candidates, and at its close the Clerk puts the question<sup>1</sup> that the first Member proposed—the Government nominee—do take the Chair as Speaker. In the division the Government and Opposition Whips tell on each side, as they do in all divisions on matters of first-class Party importance. "According to usage," says May in *Law and Usage of Parliament*, "the two Members who are proposed for the Chair take part in the division, each Member giving his vote in favour of his rival." This had been the practice until 1895 when a new departure was made, and a precedent set which will probably be followed in any future contests. At the contested election for the Speakership in 1895, neither Court Gully nor White Ridley took part in the division. While the House was dividing, the candidates remained together in one of the rooms behind the Speaker's Chair.

When a Speaker-elect, chosen during the existence of a Parliament, presents himself at the Bar of the House of Peers to receive the royal approbation no deeply moving historic memories are revived by his address. On such an occasion it is the custom to omit the prayer for liberty of speech and freedom from arrest, which, having been granted at the commencement of the Parliament, holds good, according to constitutional authorities, until the Dissolution.

In 1566, Richard Onslow, being elected Speaker in the middle of a Parliament, omitted the petition for liberty of speech, freedom from arrest, and access to the Sovereign. On February 5, 1673, Sir Job Charlton, chosen in similar circumstances, claimed all the privileges. But, in expressing the view that this course was wrong, Hatsell in his *Precedents* draws attention to the action of the House, which in 1695 itself directed Paul Foley not to make the usual petitions, "it being said that those petitions were demands of right, and ought to be made but once, at the beginning of a Parliament." Therefore a Speaker appointed to the Chair

<sup>1</sup> On these occasions it is always recorded in the *Journals of the House of Commons* that the Clerk put the question by "order of the House."

for the first time in the course of a session simply expresses a hope that if, in the discharge of his duties and the maintenance of the rights and privileges of the Commons, he is led into inadvertent error, the blame may be imputed to him alone; whereas, at the next meeting of a new Parliament, when he is re-elected, he formally lays claim, on behalf of the people's representatives, to all their ancient and undoubted rights and privileges.

What is the tenure of the Speaker's office? A Speaker, when elected by the Commons and approved by the Crown, continues in office during the whole of the Parliament. The tenure of the office of Speaker does not, however, expire with the Parliament. An Act of William IV., and another passed early in the reign of Queen Victoria, provide that in case of a Dissolution the then Speaker shall be deemed to be the Speaker until a Speaker has been chosen by the new Parliament.<sup>1</sup> But the provision is only for the purposes of these Acts. And what are their purposes? The first of the statutes was passed to authorize the quarterly payments of the Speaker's salary out of the Consolidated Fund; and the second relates to the lodgment of the fees formerly paid to various officers of the House of Commons in the Bank of England and the rendering by the Collector of a full and true account of the moneys he receives to the Speaker. It therefore follows that while the occupancy of the office does not expire with the Parliament, the Speaker continues to be Speaker from the Dissolution until the assembling of a new Parliament practically only for the purpose of drawing his salary, and that in the interval he has no authority to perform any of the duties that fall to him when Parliament is not sitting, save that of requiring an account from the Collector of fees in the House of Commons. For instance, he is unable to issue writs for the filling of seats which may become vacant after a General Election and before the new Parliament meets.

Such is the statutory tenure of the Speakership. But whether the Speaker is first designated by the Government,

<sup>1</sup> 2 & 3 Will. IV. c. 105; 9 & 10 Vict. c. 77.

and generally accepted, or is carried by the majority of the Government, in a division challenged by the Opposition as a protest against some feature or element of the selection, once he is elected the Chair is his by right unchallenged so long as he chooses to retain it. He is re-elected without question on the assembling of every new Parliament, even though the Party to which he belongs and the Government on whose nomination he was originally appointed to the Chair have sustained defeat at the polls. Only once was this principle of the continuity of the office violated in the course of the nineteenth century. In 1835 the Whigs set aside the Tory, Charles Manners-Sutton—first appointed Speaker in 1817—and chose a Whig, James Abercromby, in his place. The Whigs had re-elected Manners-Sutton to the Chair in 1832. They dismissed him in 1835 on the ground, as they alleged, that in the conflicts over the Reform Bill, and after, he had laboured to thwart their policy. On every other occasion since then, when a General Election has effected a shifting of the balance of Parties in the House of Commons, the Speaker of the old Parliament has been re-elected in the new. By a curious coincidence the Whigs or Liberals were in office every time the Chair became vacant from the passing of the Reform Bill to the opening of the twentieth century. In fact, only three of the nine Speakers of the nineteenth century were chosen from the Conservative Party—Sir John Mitford (1801); Charles Abbot (1802), and Charles Manners-Sutton (1817). Still, the Conservatives, on each of their returns to office, during this period refrained from making a Party question of the Chair and reappointed the Liberal Speakers then in possession—Charles Shaw-Lefevre in 1841, Henry Bouverie Brand in 1874, Arthur Wellesley Peel in 1886, and William Court Gully in 1895. By the appointment of James William Lowther in 1905, on the resignation of Gully when the Unionists were in office, a Conservative occupied the Chair after an interval of seventy years.

The circumstances of the election of William Court Gully as Speaker have given both to the principle that the



Chair is above the strife and the prejudices of Party, and the precedent of the continuity of the office, an accession of strength which makes them decisive for all time. Gully had sat in the House as a Liberal for ten years when, on the retirement of Mr. Speaker Peel in May 1895, he was nominated for the Chair by the Liberal Government. The Unionist Opposition proposed Sir Matthew White Ridley, a highly respected Member of their Party, and a man of long and varied experience in parliamentary affairs. On a division Gully was elected by the narrow majority of eleven. The voting was: Gully, 285; White Ridley, 274.<sup>1</sup> It was publicly declared at the time that, as the Unionist Party disapproved the candidature of Gully as the Government nominee in a moribund Parliament, they held themselves free to dismiss him from the Chair should they have the majority in the next new Parliament, to which all the indications pointed. A few weeks later the Liberal Government was defeated in the House of Commons, and a Dissolution followed.

It is the custom to allow the Speaker a walk-over in his constituency at the General Election. But Gully's seat at Carlisle was contested in 1895. Since the Reform Act of 1832 there is only one other instance of a Speaker having been opposed when seeking re-election to the House of Commons on the Dissolution of Parliament. This was the previous case of Mr. Speaker Peel, to whom opposition was offered in the General Election of 1885, the year after his appointment to the Chair. In the General Election of 1880 he was returned as a Liberal for the borough of Warwick. By the Redistribution Act of 1885, Leamington was incorporated with Warwick, and the explanation of the Conservatives, in opposing Mr. Speaker Peel, was that they desired to test the political opinions of the new constituency. Peel was elected by a majority of 372. In this contest he refrained from touching upon political questions. In 1886 he was returned unopposed, and by the forbearance of both political Parties in the constituency he was not

<sup>1</sup> *Parliamentary Debates* (4th series), vol. 32, pp. 1369-96.

asked for any public expression of his views on Home Rule, the question upon which the General Election was fought.

Why, then, was the seat of Mr. Speaker Gully contested, in violation of precedent? His opponent received from Mr. Arthur Balfour, the Leader of the Unionists, a letter warmly endorsing his candidature and wishing him success. Speaking at a public meeting in Carlisle during the General Election, Mr. Asquith denounced the opposition to Mr. Speaker Gully as "a departure from the finer and better traditions of English public life."<sup>1</sup> Two days later a letter appeared from Mr. Balfour, in which the reasons for opposing the Speaker were set forth. The Liberal Government had not consulted the Opposition on the choice of a Speaker when they nominated Mr. Gully. They forced their man on the House by the narrow Party majority of eleven. Mr. Gully's seat at Carlisle was insecure. Not to oppose him would mean the making to the Government the present of a safe Unionist seat. It was for the Government to provide the Speaker with a constituency in which there was an undoubted Liberal majority. So wrote Mr. Balfour.<sup>2</sup>

In his address to the constituents Mr. Gully made no allusion to politics. He was Speaker of the House of Commons, and as such he could have nothing to say to Party controversy. Like his predecessors, he recognized that a Speaker cannot descend into the rough strife of the electoral battle, not even to canvass the electors, without impairing the independence and the dignity of the Chair of the House of Commons. But he addressed a public meeting in Carlisle, and gave the following reasons why the Speaker should not be opposed when seeking re-election:—

"The first reason was that the English people were in the main lovers of fair play, and that it had struck them as being a somewhat unfair spectacle to see some one who, in the public interest, was disabled from protecting himself by the ordinary weapons of political warfare, exposed to an attack and unable to defend himself. A Speaker could not

<sup>1</sup> *The Times*, July 10, 1895.

<sup>2</sup> *Ibid.*, July 11, 1895.

withdraw from the political arena. On the contrary, he must be a Member before he was a Speaker, but he was disarmed. It had occurred to our fathers and forefathers that it was unfair to put a man disarmed in the middle of a ring, and that the proper course was not to subject him to the conditions of a contest. That appeared to some people of the present day to be a quixotic piece of generosity. He hoped there would be some generosity left still in public life."<sup>1</sup>

Happily, the contest ended in his re-election by a substantial majority. In the previous General Election he polled 2729 votes, or 143 more than his Unionist opponent. In the General Election of 1895 he increased his poll to 3167, and his majority to 314.

The Unionists came back triumphant from the country. There was a feeling still in the Party, though, indeed, it did not prevail to any wide extent, that the Speaker of the new Parliament should be chosen from its ranks. It was pointed out that for sixty years there had not been a Conservative Speaker, and, apart altogether from the legitimate ambition of the Conservatives to appoint a nominee to the Chair, it was argued that in building up the body of precedents which guide, if they do not control, the duties of the Speakership, Conservative opinion ought to have its proper share, if these precedents are truly to reflect the general will of the House as a whole. But the influence of the tradition and practice of the continuity of the Speakership was too powerful to be overborne by those who wished the new Speaker to be selected from the Unionist ranks. At the first meeting of the new Parliament, in August 1895, Gully was unanimously re-elected to the Chair. This historical incident in the history of the Speakership was characterized by magnanimity and graciousness on the part of the Unionists. Sir John Mowbray, the oldest and perhaps the most influential private Member of the Conservative Party, who had stood sponsor for Sir Matthew White Ridley in opposition to Gully in May, now proposed Gully; and when the motion was unanimously endorsed by the House, Mr. Arthur

<sup>1</sup> *The Times*, July 12, 1895.

Balfour, as Leader of the House, heartily congratulated Gully, and paid a graceful and well-deserved compliment to the dignity, tact, and impartiality—the three chief qualities of a Speaker—which he had displayed even during his brief occupancy of the Chair in the last Parliament.<sup>1</sup> Thus was marked homage paid to the tradition that the Speaker is not the choice of a Party, or even of a majority, but of the whole House, and that, once he has been elevated to the Chair, he is re-elected as such without respect to the political opinions he may have advocated before he donned the wig and gown of the Speakership.

All this goes to show how the splendid principle has been established in the House of Commons that the man who occupies the high office of Speaker is outside and above all Party conflict. Like the Sovereign, the Speaker, as such, has no politics. It is true that he is returned to the House of Commons originally as a political partisan. It is true also that it is as a party nominee he is first appointed to the Chair, for the Speakership remains one of the principal prizes of political life. But as he is being ceremoniously conducted by his proposer and seconder from his place on the benches to the Chair he severs the ties that bind him to his Party, he doffs his vivid Party colours, be they buff or blue, crimson or yellow, and wears instead the white flower of a neutral political life; and once in the Chair he is regarded as the choice of the whole House, from which his authority is derived and in whose name it is exercised. It is said that after his appointment he never enters a political club. He migrates from the Carlton or the Reform to the Athenæum. "So anxious is he to appear absolutely impartial," wrote the *Quarterly Review* in 1878, "that though in the House of Commons necessarily chosen from one of the great Parties in the State, we believe we are accurate in saying that no one of the three most recent occupants of the Chair<sup>2</sup> has ever entered the political club of his Party after accepting his high office."<sup>3</sup>

<sup>1</sup> *Parliamentary Debates* (4th series), vol. 36, pp. 3-10.

<sup>2</sup> Shaw-Lefevre, Denison, and Brand. <sup>3</sup> *Quarterly Review*, vol. 146, p. 190.

It may now be regarded as settled that the Speaker is to be free from the storm and stress of a contested election. In 1905 there was talk of opposing Mr. Speaker Lowther for the representation of the Penrith division of Cumberland. At a meeting of the Mid-Cumberland Liberal Association, held before the General Election, Sir Wilfrid Lawson, M.P., a distinguished Liberal, strongly urged the taking of this course of action. He expressed his great personal regard for Mr. Lowther, and said a better Speaker could not be found in the ranks of the Tories, but for the sake of paying a well-deserved compliment to a friend they should not neglect their duty as Liberals. The suggestion, however, found no support. The gentleman who had been selected to contest the seat for the Liberals, before Mr. Lowther's appointment to the Chair, declined to go forward in the altered circumstances, or, as he said, to imitate the example of the Tories in opposing Mr. Gully at Carlisle.<sup>1</sup> Accordingly Mr. Lowther was returned unopposed in January 1906. He rode into Penrith for his nomination in pink on his way to a meet. The forbearance and courtesy due to the Speaker was also recognized by the Liberals of Penrith at subsequent General Elections. An interesting suggestion was made in the constituency at the General Election of January 1910. It was that a division returning a Member who is elected Speaker should be allowed to send another representative to the House of Commons. Mr. Speaker Lowther, following precedent at each General Election, offered himself as a candidate in a written communication in which he refrained from touching on political questions. In the course of his first address to the electors of Penrith after his appointment to the Speakership he said :—

“ More than ten years ago I was unanimously adopted by the House of Commons to preside over its deliberations in Committee as Chairman of the Committee of Ways and Means; during two Parliaments it was my privilege and good fortune to discharge the duties of that office, and on June 8, 1905, I was unanimously elected to be the Speaker

<sup>1</sup> *The Times*, September 27, 1905.

of the House of Commons, one of the most distinguished and dignified offices open to one of His Majesty's subjects.

"I trust that you will consider my record and qualifications to be of such a character as to justify you in continuing to return me as your representative, an honour of which I have been deeply sensible in the past, and for which in the future I shall be very grateful. The Speaker, as you know, has no politics, and I forbear therefore from entering upon a discussion of any of the current topics of political controversy, but I hope and believe that in my hands your interests will be safe, and I can promise that my best endeavours will be put forth to serve you."<sup>1</sup>

Thus it is that Mr. Speaker sits high above the Party conflicts that are waged on the floor of the House of Commons. Such is his indifference, or impartiality, in regard to politics, that it is impossible to say to which side of the question under debate he is inclined. But can he really divest himself so completely of the deep-seated influences of the political associations and teachings of a lifetime? He may retain his political opinions, he may have his prejudices still—even in the wig and gown of the Speaker what is there but a man?—but in his general decisions or in his treatment of individual Members no trace of them, as a rule, are to be found.

In fact, to act fairly as between all Parties is so much the ruling motive in the breast of every Speaker that there is little or no room left for political bias. The greatest and most honourable tradition of the Chair of the House of Commons is its absolute impartiality. It is the rock, broad based and deeply set, upon which at once the influence of the Speaker and the confidence reposed in him are founded. And that being so, the Speaker remains Speaker, with the concurrence of both sides of the House, until he decides to resign or is removed by death.

<sup>1</sup> *The Times*, January 9, 1906.

## CHAPTER IV

## IN THE CHAIR

“HATS off!—Way for the Speaker!” With these words the opening of every sitting of the House of Commons is heralded. They strikingly emphasize the supremacy of the Speaker, and the deference paid to his exalted position, which are so noticeable in the proceedings at St. Stephens. The command is uttered in the Lobby, or ante-chamber of the House, by the inspector of the police of the House of Commons, just as the Speaker emerges from the corridor leading from his residence to the chamber at the hour appointed for the meeting of the House.

This approach of the Speaker to the House is marked by a ceremonial of simple dignity, which has been witnessed from day to day through the sessions of Parliament, and from year to year for some centuries, with unerring uniformity. First comes an usher. Then the Serjeant-at-Arms, in Court dress with a sword by his side, carrying the great silver-gilt Mace on his shoulder. He is followed by a couple of doorkeepers apparelled, like the usher, in low-cut waistcoats, short jackets, knee breeches, and silk stockings. Next comes the Speaker in his big wig and his flowing black robe,—which is held up by a trainbearer,—and carrying his three-cornered beaver hat in his right hand. He is accompanied by his Chaplain in cassock and bands. Behind these are two more doorkeepers. The stately little procession slowly wends its way across the bright tessellated pavement of the Lobby, while the spectators stand with heads respectfully uncovered. Its sombre hue—all the figures in it being garbed in sober suits of solemn black—is brought out by the ornate frame in which it is set—the richly moulded grey walls, the wonderful oak carving, the stained-glass windows; the fretted roof, with its multi-coloured grooves and its dependent electric-light chandeliers in heavy brass; all of which help to make this famous vestibule of the House of

Commons one of the most beautiful architectural features of the Palace of Westminster. The procession disappears through the open portals of the House, the Members in the Lobby crowd in after it, and the cry of the principal door-keeper, "Speaker at prayers," is echoed through corridors and rooms by policemen on duty.

As the Speaker slowly walks up the floor he sees before him his big carved-oak seat, prominently set on its dais at the head of the Table, and between the two Front Benches. He bows his head three times, and as he makes these reverential obeisances to the Chair there is in his eyes a seriousness amounting almost to devotion, and in his whole demeanour is reflected the traditional glory of his office. Then mounting the two steps of the platform he stands by the Chair during the recital of prayers by the Chaplain, and gives the responses in the appeals to the Almighty that the outcome of the deliberations of the Commons may be the public wealth, peace, and well-being of the Realm.<sup>1</sup>

While the Chaplain retires backwards, bowing to the Chair, to the Bar, where he turns round and disappears through the swing-doors, the Speaker takes his seat, places his feet on the sloping footstool, and arranges his robe around him. The Chair partakes rather of the character of a throne. It is of brown oak, carved with lightness, taste, and grace. Over it is an awning which serves the double purpose of a sounding-board and a shade from the glare of the electric light which falls through the orange-tinted glass ceiling of the Chamber. On either side are spacious arms or ledges for books and papers, which are further provided with ink-holes, rests for pens and pencils, drawers for writing materials, and there is also a switch for turning on or off a jet of electric light set in the recess of the Chair.

The Speaker holds a copy of the Orders of the Day—the agenda of proceedings—in his hand. He is ready for business as the guide as well as the mouth of the House of Commons. He is to some extent responsible for the

<sup>1</sup> In the temporary absence of the Speaker's Chaplain those prayers are read by the Speaker.



arrangement of the proceedings. He is consulted by both the Leader of the House and the Leader of the Opposition, and by their Whips, when their plans are in the making, and communications pass between him and other sections of the House continuously, it being part of his task to make the parliamentary machine run smoothly in the interest of all with due observance of the customs and regulations. He has nothing to do with the initiation of Government policy or legislation. In these matters the Leader of the House is supreme. But in the control of business, once it is laid before the House, so far as it is affected by the Standing Orders, the voice of the Speaker is supreme, and to it even the head of the Government must bow. The Speaker may decline to submit to the House a motion—no matter by whom it is moved—which he deems to be out of order, and in the decision of the question whether or not a motion is in harmony with the rules and usages of the House he alone is the judge. The Speaker, in a word, is the helmsman of the Commons. The direction in which the ship is to go is laid down by the Leader of the House, but its guidance is in the hands of the Speaker,

The Speaker is always accessible. He is the friend of every Member and every section of the House. His experience and counsel are at the service of all in doubt or difficulty about a point of order, a motion or a Bill. Questions may be publicly addressed to the Speaker regarding the practices and privileges of the House, but the giving of notice of such inquiries—such as having them printed on the Notice Paper, as is done with questions addressed to Ministers—is not permissible. In like manner, appeals can only be made to the Chair on points of order as they arise in the course of the proceedings. But if a Member is in trouble about anything he can go at once to the Speaker and privately get his advice. Constantly during a sitting Members may be observed coming to the Chair for a conference with the Speaker on points of procedure, or as to the action properly to be taken in some matters of business, or as to their claims to be called upon to address the House

in a particular debate, which they can only do if they are permitted by the Speaker to catch his eye. It may be noticed that they generally approach the Chair deferentially and with an apologetic air. Gladstone in an autobiographical note, referring to his early parliamentary experiences in 1833, but written in the late days of his life, says: "The first time that business required me to go to the arm of the Chair to say something to the Speaker, Manners-Sutton—the first of seven whose subject I had been—who was something of a Keate,<sup>1</sup> I remember the revival in me bodily of the frame of mind in which a schoolboy stands before his master."<sup>2</sup> Such is the traditional awe of Mr. Speaker! Yet it may also be observed that Members retire, after the consultation with the Speaker, obviously satisfied by their wreathed smiles and many bows of thanks. In truth the Speaker, with his air that at once seems to invite confidence and to expect submission, is like a good old father confessor. He listens to everything, and gives excellent advice.

All this time the debate is in full swing. The Speaker must follow it with the closest attention. It is his duty to confine the talk within the limits of relevancy without interfering with the freedom of discussion. He does not himself take part in the debates. As "Mr. Speaker" he speaks only as the mouth of the House. He never addresses the House except from the Chair, in the discharge of his presidential duty. The chief function of the office is to secure to the House the twin blessings of order and free speech. It is with this object in view that he controls and guides debates, that he keeps the discussion strictly to the subject at issue, that he decides points of order, that he enforces the rules of the House by which all its proceedings are regulated; and that he selects, often from many competitors who claim to be heard in debate by rising in their places the Members who are to speak.

Debate arises only when a question has been put from the Chair by Mr. Speaker. If there is no question before the

<sup>1</sup> The famous whipping Headmaster of Eton.

<sup>2</sup> Morley, *Life of Gladstone*, vol. I, p. 100.

House there can be no discussion. At the close of the debate the motion—if it is not talked out at the hour appointed for opposed business to cease, or is not otherwise disposed of by withdrawal with the leave of the House, or resolved in the affirmative or negative by general agreement—is determined by a division. Therefore, at the end of the discussion, the Speaker rises from the Chair and puts to the House the question for its decision. On April 9, 1866, Mr. Speaker Denison, on returning to the House after an illness, said he should claim the indulgence of sitting while putting the question:<sup>1</sup> "The question is that ——" In 1614 it was agreed "that nothing pass by order of the House without a question."<sup>2</sup> It was an ancient practice for the Speaker, when he thought fit, to frame out of the debate the question for the decision of the House.<sup>3</sup> This was open not only to misconception, but to abuse. Speakers were not above putting the question in a form they thought would help the side which they favoured. The last instance of the custom was on February 15, 1770, by Fletcher Norton, on the Sudbury Election petition.<sup>4</sup> Since then the motion is framed by the mover, and the duty of the Speaker is confined to reading it to the House at the end of the discussion.

The Speaker has to perform many other duties which lie outside the regulation of debate. He issues the warrants to the Clerk of the Crown in Chancery in Great Britain, and to the Clerk of the Crown and Hanaper in Ireland to make out new writs for the election of Members to fill vacancies caused during the sitting of Parliament by death, bankruptcy, elevation to the House of Lords, or the acceptance of an office of profit under the Crown. This is done on the application of one of the Whips of the Party by which the seat was held. The motion, however, must be endorsed by the House. By the statute 10 Geo. III. c. 41—passed in 1770—the Speaker was empowered to issue warrants for the making out of new writs for the filling of vacancies caused by death during a Parliamentary recess—without,

<sup>1</sup> *Commons Journal*, vol. 121, p. 197.

<sup>2</sup> *Ibid.*, vol. 1, p. 464.

<sup>3</sup> Hatsell, *Precedents*, vol. 2, p. 112.

<sup>4</sup> *Cavendish Debates*, vol. 1, p. 458.

of course, the immediate authority of the House of Commons—so as to secure the speedy election of Members of Parliament. By the 15 Geo. III. c. 36—passed in 1775—he was empowered to act likewise in the case of vacancies created by elevations to the peerage, on a certificate signed by two Members of the House of Commons, and after fourteen days' notice published in the *London Gazette*. These statutes were confirmed by the 24 Geo. III. c. 26, passed in 1784, and the Speaker was further authorized to appoint, at the commencement of every Parliament, a panel of Members of the House of Commons, to issue warrants for the filling of seats that have been vacated in similar circumstances, should he himself happen to be out of the realm, or in the event of his death, during a recess of Parliament.

These powers of the Speaker were enlarged as time progressed. By an Act passed in 1812—52 Geo. III. c. 144—he was authorized to issue during a recess warrants for the filling of seats of Members declared bankrupts by a Commission of Bankruptcy, and by the 21 & 22 Vict. c. 110, passed in 1858, his authority in that respect was extended to seats vacated by the acceptance of office in the Government, or the stewardship of the Chiltern Hundreds, a nominal post at the disposal of Members who desire to resign, though in regard to the latter he may reserve the matter for the House in any case which appears to him doubtful. The certificate of two Members is required also in these instances, and, in addition, the official announcement of the appointment in the *London Gazette*. But by the 26 & 27 Vict. c. 20, passed in 1863, six days' notice was substituted for the original fourteen days' notice in the *London Gazette* of the intention to issue the writ in regard to a seat vacated for any of the prescribed causes during a parliamentary recess. By the Bankruptcy Act, 1883, section 33, similar powers are given to the Speaker in the event of a seat becoming vacant during a recess by the bankruptcy of a Member. In this case the Speaker acts upon the certificate of the Court of Bankruptcy.

These powers of the Speaker are operative only during a recess caused by an adjournment or prorogation of Parliament. As I have already indicated, when dealing with the question of the statutory tenure of the Speakership, no provision has been made to authorize the Speaker to issue warrants for the filling of vacancies after a Dissolution in the interval between the close of the General Election and the meeting of the new Parliament.

## CHAPTER V

## OCCASIONS OF CEREMONY

THE Speaker also communicates the thanks of the House when it is voted to an eminent public servant, or to a great soldier or naval commander who has asserted the power of the nation in war. More frequently has he to convey the censures of the House. The person adjudged guilty by the House of a false and scandalous libel on Members, or of a breach of its privileges, stands at the Bar to receive the judgment of the House as expressed by the Speaker. If the delinquent is in the custody of the Serjeant-at-Arms he is reprimanded. If he is not in custody, appearing in answer to a summons, he is only admonished. On these occasions, when a person is at the Bar, with the Serjeant-at-Arms by his side carrying the Mace, no Member can speak, only the Speaker.<sup>1</sup> It is the Speaker who issues warrants for the bringing up of persons who refuse to attend on a summons to the Bar, or to appear to give evidence before a Committee of the House sitting upstairs, and warrants for the commitment of prisoners of the House—whether Members or strangers—to the custody of the Serjeant-at-Arms, or the keeper of a prison.

The authority of the Speaker to issue such warrants has

<sup>1</sup> Denison, *Notes from My Journal*, 25.

been established in the courts of law. Gale Jones, as president of a political society in 1810, published resolutions passed by the society in reference to the proceedings of the House on the Expedition to the Scheldt. For this he was summoned to the Bar of the House, and committed to Newgate for breach of privilege. Sir Francis Burdett, the well-known Radical Member, in a letter published in Cobbett's *Weekly Register*, denied the power of the House to commit to prison any one but its own Members. The answer of the House was to direct the Speaker to issue a warrant for Burdett's imprisonment in the Tower. Denying the legality of the Speaker's warrant, Burdett refused to surrender to it. The Serjeant-at-Arms, aided by the police and military, broke into his house in Piccadilly, arrested him, and conveyed him to the Tower, where he was kept in custody until the prorogation of Parliament set him free. He then brought an action against the Speaker and the Serjeant-at-Arms in the King's Bench, and the Court gave judgment for the defendants. The question was carried by Writ of Error to the Court of Exchequer, and afterwards, on appeal, to the House of Lords, and in each case the verdict for the Speaker and Serjeant-at-Arms was upheld.

There are also ceremonious occasions on which the Speaker appears as the representative of the Commons outside the walls of St. Stephens. He goes to Buckingham Palace in his State robes—a more elaborate dress than the gown he ordinarily wears—in a great gilded coach, accompanied by the Serjeant-at-Arms with the Mace, his Chaplain, and the Clerk, and attended by a single trooper of the Guards as escort. When a joint address is presented to the Sovereign by both Houses of Parliament, the Lord Chancellor and the Speaker advance side by side towards the Throne, followed by Lords and Commons, and the address is read by the Lord Chancellor and presented by him to the Sovereign on bended knee.<sup>1</sup> But when an address is presented by the Commons separately, the Speaker reads it,

<sup>1</sup> May, *Law and Usage of Parliament*, 455 (11th edition).

and presents it, kneeling on the right knee.<sup>1</sup> The Sovereign reads his reply, which the Speaker, again kneeling, receives.<sup>2</sup>

In 1858 the House of Commons voted an address to Queen Victoria, to be presented by the whole House. On the day appointed Mr. Speaker Denison asked for a copy of the address which he was to read to the Queen. He got a paper commencing, "Resolved, *nemine contradicente*." "I cannot take up such a thing as this to the Queen," said he. "We have voted an address to be presented by the whole House. I must present an address, and not a resolution that an address should be presented." The officers of the House assured him the resolution was the correct form; but just then Lord Eversley—who, as Shaw-Lefevre, preceded him in the Chair—appeared, and he agreed that there must be an address. Denison accordingly had the resolution altered into an address, beginning, "Most gracious Sovereign, we, your Majesty's dutiful and loyal subjects . . ." "I went," says Denison in his *Journal*, "in gold gown, and—as the Court was in mourning, without ruffles—black buckles and bands." "I read the address in this form to the Queen," he continues, "and presented it kneeling on the right knee to the Queen on the Throne. The Queen read her answer, which, again kneeling on the right knee, I received." On coming down the stairs of Buckingham Palace, Denison met the Lord Chancellor, who, on learning that the Speaker had presented an address while he had presented a resolution, exclaimed, "What

<sup>1</sup> Denison, *Notes from My Journal*, II.

<sup>2</sup> On these occasions the Lords attended the King in levee dress; but the Commons, in assertion of their privilege of free access to the Throne, wear ordinary attire,—“hodden gray, an’ a’ that,” as Robert Burns would say. They are not, however, permitted to enter the royal presence with sticks and umbrellas. The Speaker and the Commons were also entitled by privilege or custom to approach Buckingham Palace in their carriages by the royal central drive of the Mall of St. James’s Park. But the substitution of one broad drive in the new Mall—over which all and sundry have free access—for the centre and two side drives of the old Mall, which were abolished about 1905, brought to an end, unlamented or, indeed, unnoticed, one of the “ancient and undoubted rights” of the House of Commons.

a horrible blunder I have made." Denison adds joyously, "I condoled with the Lord Chancellor."<sup>1</sup>

Mr. Speaker Denison also records that he was invited to be present at the opening of the International Exhibition on May 1, 1862, as one of the Royal Commissioners representing Queen Victoria. He wrote to Lord Eversley inquiring how he ought to dress for the occasion, and got the reply, "plain black gown and wig," which he wears in the House of Commons. He decided, however, to go in his "gold gown," but not to ride in the ancient State coach, which could only lumber along at a foot's pace. "I borrowed a good London coach of Lord Chesham," he says; "I put my coachman and two footmen in their State liveries; I added good cloths and bows and ribbons to my horses' furniture." So he went to Buckingham Palace, taking the Serjeant-at-Arms with the Mace and his Trainbearer in the carriage with him. He led the procession from the Palace to the Exhibition. "Royal processions," he points out, "move in the inverse order of precedency, the lowest in rank going first." The carriage went at a fair trot. He asks: "Where should I have been in my gold coach, leading the way at a foot's pace?" In the building a procession was arranged. "I was to walk first, as I led the way in my carriage," says Denison. "Lord Palmerston was desired to walk by my side. He said, 'No, the Speaker should walk alone; I will follow.' I said, 'Of course, as you please; but I should think it a great honour if we might proceed together.' Lord Palmerston said, 'Oh, if you wish it, certainly.'"<sup>1</sup>

Denison was also present at the marriage of the Prince of Wales and Princess Alexandra of Denmark, on March 10, 1863, at St. George's Chapel, Windsor. "I went in my black velvet suit," he says. "The Lord Chamberlain said that was the proper dress. He told this to the Lord Chancellor, who, however, would go in his gold gown and his wig. The Lord Chamberlain said we had no function to perform, we had no part to play in the ceremony, we were

<sup>1</sup> Denison, *Notes from My Journal*, 10-11.

<sup>2</sup> *Ibid.*, 114-15.



invited guests like others. I followed the advice of the Lord Chamberlain; the Lord Chancellor went in his gold gown."<sup>1</sup>

The Speaker is also inspector of standard weights and measures. This is a duty which falls to few Speakers, as it is discharged but once every twenty years. The legalized imperial standards of weights and measures are in safe keeping at the Standards Office, Old Palace Yard. As a precaution, copies are kept at other places, including the Houses of Parliament, so that in the event of the originals being lost or injured new standards can be authentically provided. The Parliament copies are placed in a cavity in the wall on the right-hand side of the second landing-place of the steps leading to the committee rooms of the House of Commons, which is marked by a brass tablet with the inscription: "Within this wall are deposited standards of the British yard measure and the British pound measure." The receptacle is opened every twenty years, in the presence of the Speaker and the President of the Board of Trade, and the copies are taken out and compared with the originals, which are brought from the Standards Office. The ceremony last took place in April 1892, when Peel was Speaker.<sup>2</sup>

One duty which the Speaker discharges at the prorogation of Parliament is of high constitutional significance. That is the special presentation of Money Bills, on behalf of the Commons, at the Bar of the House of Lords for the Royal Assent. Government Bills, other than Finance Bills, after they have passed the House of Lords, remain in that House for the Royal Assent. But arising out of disputes between Lords and Commons on the subject of taxation in the seventeenth century, it was established in 1628 that the preamble of a Bill granting aids and supply to the Crown should be: "We, the Commons, have given and granted to Your Majesty"; and ever since all Money Bills, on passing the House of Lords, are returned to the hands of the Speaker,

<sup>1</sup> Denison, *Notes from My Journal*, 129.

<sup>2</sup> H. J. Chancy, *Our Weights and Measures* (1897), 9, 10.

who presents them personally for the assent of the Sovereign.

An ancient duty or custom of the Speaker at prorogation has, in this connexion, fallen into disuse. At the close of a session the Speaker, on presenting subsidies or Finance Bills at the Bar of the House of Lords, by immemorial usage, addressed the Sovereign on the merits of the legislative measures which had received the sanction of Parliament.<sup>1</sup> This speech was delivered only when the Sovereign was present. The prorogation of Parliament by the Sovereign in person was a common occurrence up to the middle of the nineteenth century. It may now be regarded, perhaps, as a thing of the past. Parliament is always prorogued by commission. Queen Victoria, in the early years of her reign, adhered to the long-established practice of proroguing Parliament in person; and on each occasion the Speaker dilated upon the work of the session before Her Majesty read her Speech from the Throne.

The last time that Queen Victoria was present at prorogation was on August 12, 1854. Mr. Speaker Shaw-Lefevre then delivered the usual address. It was the end of a long series of sessional speeches by the Speaker, stretching back, as we have seen, through many centuries, for it was the last occasion that Parliament was prorogued by the Sovereign in person. Is the practice ever likely to be restored? The point is an academic one. But even were the Sovereign to determine at any time to revive the ancient custom of

<sup>1</sup> *The Journals of the House of Commons* contain the following account of the dissolution of the second and last Parliament of Edward VI. in 1553: "Between the hours of five and seven in the afternoon the King's Majesty, in his royal seat in the waiting chamber in his Palace of Westminster, after the ornate oration by Mr. Speaker, exhibiting therein the subsidy, the King gave his Royal Assent to seventeen Acts and dissolved this his Parliament" (vol. 1, p. 26). The custom had been in operation long before this. The *Rolls of Parliament* which preceded the *Journals* record little else than the laws that were made,—as has been pointed out already,—and omitted matters of form and ceremony. It was the practice also to insert those speeches in the *Journals*. The address of Mr. Speaker Arthur Onslow to King George II., on May 2, 1745 (*Commons Journals*, vol. 25, pp. 8, 9), was the last prorogation speech to be entered at length in the *Journals*.

proroguing Parliament in person, instead of by Royal Commission appointed for the purpose, it is doubtful whether the Speaker would consider there was an obligation upon him also to revive the procedure of telling the Sovereign of the work of Parliament during the session, a matter upon which enlightenment has not been needed, at least since the coming of the parliamentary reporter.

## CHAPTER VI

### GUARDIAN OF THE COMMONS' PRIVILEGES

OF what may be called the higher duties of the Speaker, the principal are the guardianship of the ancient privileges of the House, the maintenance of its authority, dignity, and honour, and the protection of the rights of minorities. The Speaker is the judge of breaches of privilege. Amendments made by the Lords in a Bill sent to them by the Commons are submitted to him by the Minister if they are regarded as infringing on the exclusive right of the Commons to impose a charge on the tax-payers or rate-payers, and upon occasions he calls the attention of the House to such amendments himself, and declares them breaches of privilege. He also gives judgment upon breaches of privilege by outsiders which are brought to his notice in the House.

Then there are the rights of Members. Spencer Compton, who was Speaker from 1715 to 1728, was once appealed to by a Member who met with considerable interruptions to obtain him the hearing which he asserted was his by right: "No, sir," answered the Speaker; "you have a right to speak, but the House have a right to judge whether they will hear you." In this, says Hatsell, "the Speaker certainly erred. The Member has a right to speak, and the House ought to attend to him, and it is the Speaker's duty to endeavour for that purpose to keep them quiet."<sup>1</sup>

<sup>1</sup> Hatsell, *Precedents*, vol. 2, p. 107.

Mr. Speaker Lowther also emphatically dissented from this ruling of his predecessor. In September 1908 he was presented with the freedom of the city of Carlisle, the capital town of Cumberland, for the Penrith division of which he sits in Parliament; and in the course of a speech acknowledging the honour, he said that Parliament, as its name implied, was a place where one spoke one's mind. He therefore considered it was his first duty to see that all Members of such an assembly were free, subject to the rules of the House, to speak their mind without let or hindrance, "however disagreeable their sentiments might be to their fellow-members." "I do not think," said Mr. Lowther, after quoting the declaration of Spencer Compton, "that is the function of the Speaker." Having called upon a man to speak because he believes him to be entitled to give his opinion to his fellow-members, the Speaker's function and duty is, said he, "to do all he can, by every fair and proper means, to make sure that that man shall have a fair and impartial hearing. For freedom of speech is what has made our Parliament the greatest Parliament in the world."<sup>1</sup>

That is well said. But the fact remains, I think, that Spencer Compton was right after all. Some of the most illustrious Members of the House have been howled down. Edmund Burke met that fate on April 17, 1769, in the angry debate on the famous motion for declaring Colonel Luttrell Member for Middlesex instead of John Wilkes. He was making a powerful speech against the motion in the midst of a continuous noise, when he stopped in the course of his argument to exclaim angrily: "I will be heard. I will throw open the doors and tell the people of England that when a man is addressing the Chair on their behalf the attention of the Speaker is engaged." Sir Henry Cavendish, in his report of the speeches, gives the explanatory note: "There was at this time a great noise in the House, and some Member was whispering to the Speaker."<sup>2</sup> The Speaker was Sir John Cust, and apparently he was

<sup>1</sup> *The Times*, September 23, 1908.

<sup>2</sup> *Cavendish Debates*, vol. I, p. 399.

unable or—as Burke imagined—unwilling to stop the interruptions.

During my own experience in the Reporters' Gallery I can recall at least four instances of Members having been shouted down. In each case, despite all the exertions of the Speaker to restore order and obtain him a hearing, the Member was finally compelled by the clamour to give up the attempt to speak. The most celebrated case occurred on the night of May 22, 1905, when the Liberal Opposition refused to hear Mr. Lyttleton, the Colonial Secretary, demanding that Mr. Balfour, the Prime Minister, should speak instead; and Mr. Lowther, who happened to be in the Chair as Deputy Speaker—owing to the illness of Mr. Speaker Gully—was compelled, owing to the great disorder, to declare the sitting at an end, as he was empowered to do by the Standing Orders. The truth is, that even a small section of the House, organized and determined, may by continuous cries of "Vide, Vide, Vide" prevent a Member, whose speech or interposition in the debate is obnoxious to them, from being heard. In each of the other instances I refer to the Member was denied a hearing by the Nationalists, and the appeal of the Speaker or Chairman of Committee on his behalf was unavailing, for it fell, not upon deaf ears, but upon closed minds. Indeed, the limitation to the powers of the Speaker in such a case is recognized even by Hatsell, for he thus qualifies the declaration as to the duty of the Chair which I have quoted: "But where the love of talking gets the better of modesty and good sense, which sometimes happens, it is a duty very difficult to execute in a large and popular assembly," and he goes on to say that if a member finds the House disinclined to hear him, it would be prudent in him to submit to its pleasure and sit down.<sup>1</sup>

The calling on a Member to speak seems simple enough, and yet it is really one of the most delicate tasks which the Speaker has to discharge. At times there is quite a fierce competition to catch the eye of the Speaker, that most elusive of all organs of vision. A number of Members

<sup>1</sup> Hatsell, *Precedents*, vol. 2, pp. 107-8.

jumped to their feet, each leaning forward towards the Chair in an attitude of urgent appeal and expectation. Which shall be chosen? The answer lies with the Speaker. He selects one of the number to continue the debate by calling him by his name. This power of selection, or recognition, vested in the Speaker, is the practical method by which, in a body of 670 Members, dozens of whom may be simultaneously desirous of speaking, it is determined which particular one of the competitors shall be heard on the question at issue and in continuation of the debate.

It is not an absolute or arbitrary power. It is set aside when a Minister rises, or a prominent Member of the front Opposition bench. These men of office and leadership may, as a rule, speak when they please. That is, the Speaker sees them and calls upon them, in preference to other Members seeking to catch his eye. There is discrimination also in the exercise of his power of recognition in regard to the competing occupants of the back benches. The Member who rises first does not necessarily always catch the Speaker's eye. In other words, the Speaker does not always call upon the Member whom he first observes among those who have risen in their places to speak. A new Member is, as a matter of courtesy, called upon to make his "maiden speech" in preference to others rising to speak at the same time. In case the Speaker might not be aware that there is a new Member among the competitors to catch his eye, there are usually cries of "New Member" to direct his attention to the fact. This privilege will not be conceded by the Speaker unless claimed within the Parliament to which the Member was first returned. On March 25, 1859, during the discussion of the Representation of the People Bill, several Members rose at the same time to address the House. Among them were Mr. Cardwell, an ex-Minister, and a private Member named Beaumont who had not made his maiden speech. The Speaker called "Mr. Cardwell." Thereupon there were cries of "Beaumont," and Mr. Bentinck, rising to order, asked the Speaker whether it was not the practice of the House to give precedence to a new Member? Lord Palmerston then

rose and inquired whether, when Mr. Speaker had called upon a Member to address the House, it was regular for any Member to prevent his proceeding and insist upon another Member being heard? Mr. Speaker Denison does not seem to have replied to either question. He again called upon Mr. Cardwell, and that gentleman addressed the House.<sup>1</sup> It was, however, understood that the Speaker declined to give precedence to Mr. Beaumont to make his maiden speech, on the ground that he had sat in the previous Parliament, and that the privilege lapses with the Parliament in which a Member first sits.

The Speaker may also be guided in his selection by the weight and interest of the opinions of a particular Member on the subject of debate. Shaw-Lefevre was asked how, when twenty Members started to their feet, he singled out his man. "Well," he humorously replied: "I have been shooting rabbits all my life, and I have learnt to mark the right one." The Speaker does his best to give the ear of the House to those Members whom the House is most desirous of hearing. He is sometimes guided by the Whips of the different Parties in the House. This means that on the occasion of an important debate the chief advocates on each side are, as a matter of convenience, selected beforehand by agreement between the Liberal and Conservative Whips, and that these Members are usually called by the Speaker when they rise in the order thus previously arranged. In like manner, if the Irish Party or the Labour Party have selected a spokesman to express their views, his name is given to the Speaker, and he is called when the appropriate time comes for him to address the House.

On February 26, 1872, observations were made concerning this "Whips' List" by which the choice of the Speaker was said to be governed, with the result that independent Members were deprived of a hearing. Denison had just retired from the Chair, and his place was taken by Brand. The matter was raised by Mr. J. Bentinck, who called attention as a question of privilege to the statement, in *The Morning Advertiser* of February 5, that a list of Members who were

<sup>1</sup> *Parliamentary Debates* (3rd series), vol. 153, p. 839.

desirous of taking part in debate was drawn up by Mr. Glyn, the Chief Liberal Whip, in consultation with the Chief Conservative Whip, and that, furthermore, the Liberal Members on the list were selected by the Prime Minister, Mr. Gladstone. "This list," the newspaper went on to say, "is given to the Speaker, with injunctions that no Member is to speak whose name is not upon it." They could not conceive—they added—a greater mockery than a House of Representatives in which freedom of speech was practically not allowed. Mr. Speaker Brand, who had acted as Liberal Whip for years, said he had never seen such a list. "I shall endeavour on all occasions," said he, "to call upon hon. Members to speak according to their respective claims, in a spirit and with a desire of fairness and impartiality, and with a view of eliciting the several opinions which prevail in the House on the subject before it." Such a list was also disclaimed by Gladstone, on behalf of himself and the Liberal Whip.

Curiously enough, when the subject was subsequently raised at the same sitting by Mr. Bentinck, both Mr. Glyn and Mr. Noel, the Government and Opposition Whips, are represented as having admitted what seems to have been denied by Gladstone, that they had been in the habit of supplying Mr. Speaker Denison with such lists for his assistance. But they disowned the intention of using the lists to gag independent Members, and insisted that the Speaker's selection of Members to take part in a debate was not in the least controlled or even influenced by the lists.<sup>1</sup> Whatever may have been the custom in 1872, it has long been a well-known practice for the Whips to draw up such lists for submission to the Speaker or the Chairman of Committees on important occasions when many Members desire to speak and the time available is limited. It is found to be a convenient practice for all Parties. But the discretion of the Speaker remains quite unfettered. He has the right, of course, to alter these arrangements as he thinks best. He can neither be persuaded nor intimidated into calling any Member in particular.

Apart from this action of the Whips in submitting to the

<sup>1</sup> *Parliamentary Debates* (3rd series), vol. 209, pp. 1032-4, and pp. 1036-9.



favourable consideration of the Speaker a selection of their followers who desire to join in a debate, it is not unusual for Members themselves to intimate personally to the Speaker their wish to be afforded an opportunity to express their views on the subject at issue. The occasion may not be of sufficient moment to call for the preparation of a Whips' List, or, if it be so, these Members may perhaps be out of favour with the Whips, on account of independence of spirit or idiosyncrasy of temperament. But it is undoubtedly the fact that every effort to meet their desires is made by the Speaker, having regard to the exigencies of time and the claims of others. Yet it has been asserted in the House of Commons, that the action of the Whips, favoured as it is by the Speaker, has the effect of placing a gag on independent Members.

The complaint gave rise to a remarkable and wholly unprecedented scene in the House of Commons. At the assembling of the Liberal Parliament, on January 31, 1911, Mr. J. W. Lowther was proposed and seconded as Speaker for the fourth time, and, thinking that the proceeding was to take its customary formal and ceremonious course, he rose from the seat he occupied as a private Member—on the second bench above the gangway on the Opposition side—to submit himself to the House, when Mr. Laurence Ginnell, a Nationalist Member, sitting below the gangway, unexpectedly intervened, and broke the calm and harmony of the occasion by a speech acrid in spirit and harsh in tone. It was an unmitigated attack on the system of "Whips' Lists" as subversive of the rights of independent Members. The hon. Member had differences with his colleagues on questions of policy which led to his exclusion from the Irish Party. Consequently his name was absent from any lists which may have been sent to the Speaker and Chairman of Committees by the Nationalist Whips during the previous Parliament. Here is an extract from his speech:—

"The election of Speaker and of the Chairman of Committees itself had become one of the greatest shams. ('No, no.') No man was fit for either of those positions who did

not firmly maintain the absolute right of every Member, from the greatest to the humblest, to an impartial opportunity of addressing the House within the limits of time and order. The right of a private Member to speak was a right which it was the special function of the Speaker and of the Chairman to maintain. Mr. Lowther in practice and effect denied the right of a private Member to an impartial opportunity of addressing that House. ('No, no.')

Having been himself denied that right for five years, and not having been allowed to open his lips in debate during the whole of the last Parliament (loud and prolonged laughter and ironical cheers), he was bound to enter his protest against that public scandal. (Renewed laughter.) It was very unfortunate that the Party system, which might be admirable if worked for legitimate Party purposes, had been perverted into a number of more or less rival machines devoid of scruple, devoid of conscience, devoid of honour, and turned from public and even from Party purposes to the suppression of free opinions, to the gratification of personal spite, and to the sordid personal advantage of the machine workers. (Cries of 'No, no.')

The Speaker of the House of Commons allowed himself to be controlled by this vile mechanism. ('No, no.')

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As the interruptions to which the hon. Member was subjected clearly indicate, his bitter reproaches of Mr. Lowther offended the sense of the House. They were repudiated subsequently by Mr. John Redmond, the leader of the Nationalists. By universal admission, Mr. Lowther, as Speaker, was dignified and urbane, firm yet courteous, with the rarer gift of being able instantly to dissolve a dangerous parliamentary situation into genial laughter by a remark of healing humour. He met this onslaught with his customary tactful urbanity. "In so far as the criticisms of the Hon. Member are deserved I will note them," said he. But the most curious feature of the incident, perhaps, was that there was no one to call Mr. Ginnell to order for this attack upon the impartiality and independence of the Chair. The duty of Sir Courtenay Ilbert, who as Clerk of the House presided, was confined to pointing with his finger at the Members who proposed and seconded the election of the

<sup>1</sup> *The Times*, February 1, 1911.

Speaker and joined in the debate. The rules of order were not, however, inoperative, because the Speaker, incarnating the authority of the House, had not yet been elected. Sir Reginald Palgrave, a famous Clerk of the House, held that the House was vested with inherent power to check or punish disorder during the election of a Speaker, and that if a resolution were moved for that purpose he, as Clerk, would be entitled to put it to the House, just as he would put the question in the event of a contest for the Chair.

The Speaker's call, as between two Members rising at the same time, may be disputed by a motion that the other Member "be not heard." This has been done in the past when in the opinion of a section of the House there was another Member up before the Member called upon to speak, or when they considered some other Member had the first claim on the attention of the House. There was a curious instance of questioning the decision of the Speaker on March 12, 1771. The subject of discussion was the proceedings instituted by the House against the printers of newspapers for publishing its debates in breach of its privileges. Two Members rose, Colonel Barrè, Whig, and George Onslow, Tory, and the Speaker, Sir Fletcher Norton, called upon the latter. The House had just divided on a motion by Barrè, who had intimated that after the division he would go on with another part of the question. Accordingly he contended he had the right to speak first. "I stood up, and, in the common acceptation of the term, I was in your eye," he said to the Speaker. "How I got out of your eye, and the hon. Member in, I cannot conceive." Then he put this poser to his opponents: "Now, having proved that I was in the Speaker's eye, it is incumbent upon the gentlemen on the other side to show how the hon. Member got into it." It was, however, the Speaker that answered. He said: "I give the hon. Member my word of honour too that he was not so much in my eye as the other gentleman"; and added, "I wish my action to be under the control of the House. If I do not see gentlemen as I ought to see them, I hope the House will express their sense upon it."

In order to take the sense of the House, William Burke—the intimate if not the kinsman of the great Edmund—who was on the side of Barrè, moved the curiously worded question: "That Mr. Onslow, not being first up, do now speak." Edmund Burke, speaking in support of the motion, asserted that the decision as to who was first up lay solely in the House. "The novel doctrine of the Speaker's eye, now growing up into an order, is," said he, "improper, irregular, and unparliamentary. The Speaker may have his eye upon one side of the House rather than the other." This opinion was ridiculed by Colonel Luttrell. "The eye of the Speaker is the eye of the House," said he. "He decides for individuals who cannot decide for themselves. Some gentlemen are near-sighted, some might decide through partiality: no man can see behind him. You, sir, from your place in the Chair, are more able to decide who was first up than the House collectively could possibly do." Ultimately the motion was withdrawn and Onslow was left in possession.<sup>1</sup>

The most interesting modern instance—and the latest—occurred on April 22, 1831. It was the historic day on which King William IV. went in State to Westminster to prorogue Parliament with a view to a Dissolution and an appeal to the country by the Whig Government on the question of Reform. There were tumultuous proceedings in both Houses while they awaited the coming of the King. In the House of Commons a petition for the Reform of Parliament was being debated. Sir R. Vyvyan, the Member for Cornwall, who was speaking, sat down when the report of the guns announcing the arrival of His Majesty resounded through the Chamber. The scene which followed was most extraordinary. Sir Robert Peel, the Leader of the Opposition, and Sir Francis Burdett, the eminent Radical, rose at the same moment to continue the debate. Peel was received with "loud shouts, groans, laughter, and cries of 'Bar'" from the Ministerial benches, which were responded to from the Opposition benches by shouts of "Order" and

<sup>1</sup> *Cavendish Debates*, vol. 2, pp. 385-8.

"Chair." Lord Althorp, the Leader of the House, was now on his feet, competing with Peel and Burdett for a hearing. The Speaker also rose and, after a long interval of confusion, succeeded in restoring order sufficiently to enable him to explain the position of affairs. Peel had caught his eye, and thereupon Lord Althorp moved that Burdett be first heard. It therefore remained for him to put the question "That Sir Francis Burdett be now heard," and upon that motion he ruled that the Leader of the Opposition had an undoubted right to speak. Peel accordingly proceeded to address the House, but he spoke with difficulty, so clamorous were the Ministerialists, and in a few minutes the scene was terminated by the knocking of Black Rod at the door to summon the Commons to the House of Lords.<sup>1</sup>

The decision is now left to the Speaker, as, indeed, it must be, if order is at all to be maintained. It sometimes happens, especially towards the close of a big debate, when but little time is left before the division, that shouts are raised for a Member other than the Member called upon by the Speaker. If the Member in possession gives way, well and good, but if he insists upon his right to address the House the choice of the Speaker is not further questioned. The truth, therefore, is that the Speaker remains dictator in the choice of those who shall take part in a debate. And here his impartiality comes into play. His discrimination is always regulated by the principle that the two sides shall be heard alternately, that an opponent or critic must follow a friend or advocate of the subject of debate.

As may be supposed in these circumstances, the Speaker unwittingly arouses animosities in the discharge of this presidential function. There are men of bright intellect and keen sensitiveness whose vanity and pride are hurt because they are not called upon to speak; there are sullen and obstinate men who fancy they have been deliberately overlooked. The African explorer, Sir H. M. Stanley, was returned for a London borough as a Conservative in the General Election of 1895. He did not take kindly to

<sup>1</sup> *Parliamentary Debates* (3rd series), vol. 3, pp. 1819-22.

parliamentary life, and at the Dissolution refused to stand again. In his *Autobiography* he writes:—

“I would not stand again for much. I have never been quite free, after I understood the parliamentary machine, from a feeling that it degraded me somewhat to be in Parliament. I have, as a Member, less influence than the man in the street. On questions concerning Africa, Dilke or some other wholly unacquainted with Africa would be called upon to speak before me. . . . Any illusions that I may have had, illusions that I could serve the Empire, advance Africa's interests, benefit this country, were quickly dispelled. The Speaker's eye could not be caught; he would call on some glib talker who really knew very little of his subject, and in this respect also I felt there was some degradation for me, sitting there to listen to such futilities, so I am glad at the prospect of retiring and being quit of it all.”<sup>1</sup>

The Speaker needs to have a thick skin, or, better still, a serene disposition, to enable him, when he is criticized or nagged at or traduced, just to grin and bear it. He cannot retaliate. Such things must be endured in silence with the support afforded him, not so much by toughness of grain, as by a clear conscience and a magnanimous mind. He is also liable to be misunderstood in his granting or refusal of the closure which lies within his discretion. The closure is rarely refused to a Minister in charge of a Bill who thinks that progress is slow and desires to accelerate the pace. Still, the Speaker, even in such a case, is bound scrupulously to consider whether or not the views of the Opposition have been adequately expressed before he decides to put from the Chair that motion which brings all discussion to an end: “The question is that the question be now put.” Sometimes the closure is applied by the Speaker on the motion of a private Member who has moved a resolution on the second or third reading of a Bill, and desires to make certain that the House shall express its opinion upon it, when there is an obvious intention on

<sup>1</sup> *Autobiography of Henry M. Stanley*, pp. 504-5.

the part of his opponents to stave off a division by talking the matter out.

The "guillotine" is different from the closure. It means that whole stages of Government Bills—such as the second reading, the Committee stage, and the third reading—are carried according to a fixed time-table cunningly contrived by Ministers and previously submitted by them to the House, and approved by their Party majority. In such a case the Speaker has no discretion. He simply carries out the will of the House as expressed by the majority, by letting fall at the hour appointed the knife which operates mechanically and automatically. But in the application of the closure the Speaker is more or less a free agent, and therefore his reputation for judgment and impartiality is at the mercy of the unaccountable impulses and temperaments, the unreasoning whims and caprices, of a large and democratic assembly of men. A man who is stung to the quick by angrily reproving cries is unsuitable for the Chair of the House of Commons. Not every pachydermatous man is fitted to preside over the Grand Council of the nation. But certainly every Speaker must be pachydermatous.

What are the character and attainments, then, which make a successful President of the representative Chamber? "Go and assemble yourself together, and elect one, a discreet, wise, and learned man, to be your Speaker," said a Lord Chancellor in the reign of Elizabeth to a new House of Commons. The order in which the qualities deemed essential for the Chair are here arranged is not without significance. Discretion comes first. It might also be given the second place and the third. Ability of the highest order is by no means indispensable in a Speaker, for intellectually his work is not difficult. But in the twentieth century, as in the sixteenth, the faculty of the highest importance in the art of the Speakership is circumspection, sagacity, tact, in which is implied an imperturbable temper, a careful observation of the peculiarities of individual character, and a common sense in judgment. He must also have a fair gift of speech

and a strong commanding voice. He must be capable of saying the right thing at the right time. If he can say it in a stately fashion so much the better. Even a touch of pomposity would not be amiss; for by long tradition something of the grand manner is expected of the Speaker. But the most precious attribute of the Chair of the House of Commons is impartiality, and the highest and most inspired personal quality of a Speaker is command and influence over men.

## CHAPTER VII

### THE SPEAKER'S RESPONSIBILITIES

JOHN EVELYN DENISON had sat in the House for more than thirty years when, in 1857, he was chosen Speaker. Yet naturally he was awed by the responsibilities of the Chair. In such a position, about which the light of publicity beats so fiercely, timorousness or irresolution would be fatal. To Denison the prospect was not made less inviting by the reply which he got from his predecessor on inquiring whether there was any one to whom he could go for advice and assistance on trying occasions. "No one," said Shaw-Lefevre; "you must learn to rely entirely upon yourself." "And," proceeds Denison in his *Journal*, "I found this to be very true. Sometimes a friend would hasten to the Chair and offer advice. I must say, it was for the most part lucky I did not follow the advice. I spent the first few years of my Speakership like the captain of a steamer on the Thames, standing on the paddle-box, ever on the look-out for shocks and collisions."<sup>1</sup>

But these "shocks and collisions" are rarely uncommon or unfamiliar. The House of Commons has not had a life and growth of many centuries without providing an abundance of precepts and examples for the guidance of its Speaker. It may be said that whatever occurs in the House

<sup>1</sup> *Notes from My Journal*, 2-3.



of Commons has happened there before. Almost every contingency that can possibly arise has had its antecedent parallel, and is accordingly covered by a precedent, and a Speaker cannot go far astray in a decision if he be thoroughly acquainted with the forms and procedure of the House and the rulings of his predecessors, which hedge his course. Nor is it quite the fact that there is no one to whom he can go for advice. It is the custom for Members to give the Speaker private notice of questions on points of order, unless, of course, such as arise unexpectedly in debate; and for aid in the decision of these cases the Speaker has a counsel specially engaged to direct him on points of law, and the Clerks who sit at the Table below him to refer to, if necessary, with regard to custom and procedure. There is a story told of Mr. Speaker Denison which, if true, would indicate that he was not himself very ready or resourceful, and that in coping with a difficult situation he could not always rely upon the advice of the Clerk of the House. Once when a storm seemed brewing, Denison stooped from the Chair and asked Sir Denis le Marchant, then Chief Clerk, what on earth he would recommend him to do. "I should recommend you, sir, to be very cautious," whispered Le Marchant, and then vanished by the back of the Chair.

However that may have been, Denison was most industrious and painstaking. "I used to study the business of the day carefully every morning," he says in his *Journal*, "and consider what questions could arise upon it. Upon these questions I prepared myself by referring to the rules, or, if needful, to precedents."<sup>1</sup> It is also the practice for the Clerks at the Table to have an audience with the Speaker in his library every day before the House meets, to draw his attention to points of order likely to arise which he might be called upon to settle, and to confer generally with him on the business of the day.<sup>2</sup> Furthermore, the Speaker has the advantage of the ripe experience and advice of his predecessor in office. Denison, as his *Journal* shows, was

<sup>1</sup> Denison, *Notes from My Journal*, 3.

<sup>2</sup> Note by Archibald Milman (Assistant Clerk) in Denison's *Journal*, 36.

in constant communication on matters relating to procedure with Lord Eversley, who as Shaw-Lefevre preceded him in the Chair. Therefore it is not often that a question of order arises for which the Speaker is unprepared.

It must not, however, be supposed that smooth and easy is the way of the President of the House of Commons. The whole art of the Speakership does not consist in presenting a dignified, ceremonial figure, in wig and gown, on a carved and canopied chair, having a mastery of the technicalities of procedure, calling "Order, order" now and then, and graciously permitting Members to catch his eye. For the Speaker to be brought suddenly face to face with quite an unprecedented situation is certainly a very rare experience. Still, as it has happened before, so it may happen again. It is by no means improbable or unlikely that at any moment the Speaker may be called upon to take action in a most unexpected emergency. It is certain to be an occasion of excitement and passion. Indeed, there is nothing more surprising in the House of Commons than the uncertainty of its moods. There is no barometer to herald the approach of a parliamentary storm. All of a sudden a hurricane bursts upon the House out of what seemed to be just a moment before the most tranquil of situations. It is these sudden emergencies—the sharp contact of strong character and untoward circumstances—that show the stuff of which the Speaker is really made; these sudden emergencies when human passions are fiercely aroused, and with him, and him alone, lies the task of subduing them.

The Speaker, in such a situation, is unable to consult the authorities, or the rulings inspired by the experience and wisdom of his predecessors. The decision must be instantly taken; the decisive word must be instantly spoken. What avails him then is a thorough knowledge not only of the orders of the House, but also of its unwritten traditions, customs, and usages, backed by his own innate qualities of self-possession and cool judgment. It is easy enough for the Speaker to decide such small points of order as are constantly being raised. But is his the magic of calming

disturbances by the noble appeal, or the happy jest, or by the sheer impressiveness and domination of his personality? That is the supreme test. The sudden emergency unveils him, and he stands forth a weakling or a great man.

There are two classes of scenes in the House of Commons. In one, the most dangerous—the sudden emergency—all the fury, by some unhappy twist of events, rages round the Chair. The other arises from a personal encounter between two Members, or a passionate Party conflict between the two sides of the House. In the latter case there is no feeling directed against the Speaker. Then arises the factor of the Speaker's relations with the different sections of the House. Is he studiously and strictly impartial between them all? This situation, which tests, though perhaps not so severely as the other, the mettle of the Speaker, is one that not infrequently happens when he is expected to stand forth on the dais of the Chair, the one calm and serious personality looming above the exciting Party conflict of noise and recrimination which surges on the benches below, and affording in the contrast between his wise tranquillity and the fretful folly of the Members, in a state of Party excitation, a fine and inspiring lesson in self-control. It is not great intellectual ability that is then the indispensable quality in the Speaker. More to the purpose, for the controlling and the moderating of the inevitable and natural passions of a popular assembly, are the minor gifts of an impressive presence, an air of authority, a ready tongue, and a resonant voice. But in the end the control of the House in this common situation will depend not so much upon the appearance and elocution of Mr. Speaker, as upon the measure of the confidence and respect of Members which he has won by more sterling qualities; and, as I have already indicated, the quality above all upon which the trust of the House of Commons in its Speaker reposes most securely and abidingly is strict impartiality.

No doubt it is difficult for the Speaker to appear impartial at all moments and to all sections of the House. Some passing feeling or soreness is certain to be aroused

among Members censured, or placed at a disadvantage in Party engagements, by decisions of the Chair. But if the Speaker has not impressed the House generally with his discretion and judgment, with belief in the impartiality of his rulings, with the conviction that he esteems himself the guardian of the House, and does not intentionally lend himself to be the instrument of the Party leaders in occupation of the Treasury Bench, that feeling of soreness will not be, as it ought to be, brief and transient, and the Speaker will find on such an unexpected crucial occasion as I have indicated above that the House has slipped from his control.

Certainly the Speaker has no temptation to be anything but strictly impartial. In succeeding to what Mr. Speaker Denison happily called "the well-ordered inheritance" of the Chair of the House of Commons, he has reached the utmost height of his ambition. He has no need further to toil for title and place. A peerage and a pension are secured to him at the end of his term of office. Motives of self-seeking and advancement can make no appeal to him. He has therefore nothing to gain by favouring any political Party or any statesman. But he has much to gain in the way of making his position easy by winning the confidence and esteem of the House generally. It is an office, too, in which unworthy resentments are unlikely to find a place. As the Speaker sits in the Chair he is raised above all Party and personal considerations, and all ambitions save the desire of showing himself to those who sit around him as one infused with the historic spirit of his high position and moved by its great traditions, and that while strictly impartial and fearless he is careful to act within the exact sphere and limits of his authority.

When the Speaker finds himself in a difficulty he has the immense advantage of being able, as the supreme ruler of the House, to impose his will unquestioned upon all concerned, even should he have gone unintentionally beyond his exact functions as the director of debate, the preserver of order, the protector of the rights of Members. His word is law within the Chamber. His decision is final. Once the

Speaker has ruled, there is no more to be said. Before that fiat all must bow. It is permissible to those Members who think he is wrong to point out to him respectfully where he is at fault, as it appears to them; but if he adheres to his decision it must be accepted without question. At least, no discussion is allowed. It may be obviously wrong to a large section of the House, but it cannot be disputed by argument. The fact that the Speaker says a thing and sticks to it makes that thing right, at least for the time being or for the purposes of immediate action. There is no appeal there and then from his verdict. No stay of execution can be applied for, then and there. The only way in which Members aggrieved can give vent to their disagreement and displeasure, at the moment, is by shouts of protest; and these, if indulged in, are properly regarded as highly disorderly and very offensive to the Chair. Most Members recognise that in such a contingency it is best for them to tame their hearts of fire and bow their heads in silence and obey. It will avail them nothing to protest there and then against the decree of the Speaker.

The Speaker's conduct may, however, be subsequently brought to the judgment of the House. The occasion upon which a Minister may be indicted is when his salary is being voted in Committee of Supply. But no such opportunity is provided for calling the Speaker to account. His salary is a fixed charge on the Consolidated Fund, and, like all such charges with respect to the Throne and the Bench, is thereby removed from the criticism in which Members are free to indulge in reference to the Estimates presented in Committee of Supply. Consequently no opportunity arises in Committee of Supply for challenging any action of the Speaker which has evoked a sense of injustice or a feeling of Party resentment. It can only be done by means of a vote of censure of which due notice has been given, and for the discussion of which the Government have agreed to allot a day. There are only three modern instances on record of such motions of censure. In none was the motion carried.

The first was moved in respect of the action of Mr. Speaker Abbot, who in the course of the customary speech to the Sovereign, on presenting the Supply Bills of the year for the Royal Assent at the Bar of the House of Lords at the prorogation of 1813—a procedure which, as I have already indicated, has long since been abolished—delivered a harangue in opposition to the movement for Catholic Emancipation. The debate on the motion, which took place on April 22, 1814, shows that the feeling of the House was strongly in disapproval of Abbot's conduct, on the ground that the Speaker should be impartial in matters of political controversy, though for tactical reasons the motion was rejected.<sup>1</sup>

The second case was remarkable. Mr. Speaker Brand was charged by Charles Stewart Parnell, in 1879, with having himself violated the privileges of the House. Parnell and his small band of Nationalist supporters were then strenuously opposing the Army Discipline Bill, with a view to the abolition of flogging, as well as in furtherance of their policy of obstructing the proceedings of the House. One night a stranger was observed in one of the side galleries reserved for Members, making notes of the names and observations of the Nationalists, which evoked an angry scene of protest. It was regarded by the Nationalists as the preliminary to punitive action being taken against them. The House was then in Committee on the Army Bill. Brand was sent for and came, under the rule which provides that if any sudden disorder should arise in Committee, Mr. Speaker will resume the Chair without any question being put. He then explained that the note-taker was an official of the House acting under his directions. He pointed out that minutes are regularly taken by the Clerks at the Table and published daily under the title "Votes and Proceedings," and suggested that the note-taking in the gallery was but an extension of this practice. "As lately it had come to my notice," he proceeded, "that there had been great and unexpected delay in the progress of the Army Discipline Bill in Committee,

<sup>1</sup> *Parliamentary History*, vol. 27, pp. 467-520.

on my own responsibility, and for my own information, I desired that minutes should be taken of the proceedings on the Bill of a more full character than those which are taken from day to day." He added that this action had no reference whatever to any particular section of the House, and that the note-taker gave an account of all Members impartially.<sup>1</sup>

This was on July 10. On the following day Parnell moved a resolution to the effect that the action of the Speaker, "without the previous order or sanction or knowledge of the House," was without precedent in the customs and usages of Parliament, and was a breach of its privileges. In supporting his resolution Parnell contended that the Speaker has no original power or jurisdiction. "He is the interpreter of the Rules and Orders of the House," said he, "and in matters of debate he is the guide and the director and the preserver of order; but it is not within his power to do anything which has not been previously ordered or sanctioned by the House, or which is not a rule of the House." An amendment was moved by Sir Stafford Northcote, the Leader of the House, seconded by Lord Hartington, the Leader of the Opposition, and supported by Gladstone, declaring that as the notes were taken by an officer of the House under the direction of the Speaker and for his confidential information, the proceeding was justified. After a full night's debate the Speaker was vindicated by 421 votes to 29, or a majority of 392, one of the largest on record.<sup>2</sup>

The Irish Members were also the movers of the other vote of censure upon the Speaker. On March 20, 1902, Mr. Chamberlain, the Colonial Secretary, speaking in reference to the then concluding stages of the South African War, quoted a saying of Vilonel, the Boer general, that the enemies of South Africa were those who were continuing a hopeless struggle. "He is a traitor," interjected Mr. John Dillon; and Mr. Chamberlain retorted, "The hon. gentleman is a good judge of traitors." Mr. Dillon appealed to the Chair

<sup>1</sup> *Parliamentary Debates* (3rd series), vol. 248, pp. 47-76.

<sup>2</sup> *Ibid.*, vol. 248, pp. 164-249.

whether the expression of the Colonial Secretary was not unparliamentary. "I deprecate interruptions and retorts," replied Mr. Speaker Gully, "and if the hon. gentleman had not himself interrupted the right hon. gentleman he would not have been subjected to a retort." "Then I desire to say that the right hon. gentleman is a damned liar," exclaimed Mr. Dillon. "The hon. Member must withdraw that expression," said the Speaker. "I cannot withdraw it," replied Mr. Dillon. "I must name the hon. Member," said the Speaker, "for disregarding the authority of the Chair." The hon. Member was thereupon, on the motion of Mr. Arthur Balfour, the Leader of the House, suspended from the service of the House.<sup>1</sup> On the following May 7, Mr. J. J. Mooney, a member of the Irish Parliamentary Party, moved that the Speaker ought to have ruled that the words applied by the Colonial Secretary to Mr. Dillon were unparliamentary, and accordingly have directed Mr. Chamberlain to withdraw them. Mr. Gully presided at the debate, but did not intervene. On a division the action of the Chair was supported by 398 votes to 63, or a majority of 335.<sup>2</sup>

## CHAPTER VIII

### PUNITIVE POWERS

THE House of Commons is, on the whole, a most orderly assembly, and the relations between Members and the Chair are always the closest and most cordial. But consider for a moment the elements of which the elective Chamber of the Legislature is made up. Here are 670 Members, of all sorts and conditions, chosen from all parts of the United Kingdom to proclaim and defend widely divergent political views. In such a varied body of men some of the failings of human nature are bound

<sup>1</sup> *Parliamentary Debates* (4th series), vol. 105, pp. 591-4.

<sup>2</sup> *Ibid.*, vol. 107, pp. 1020-54.



occasionally to find vent, as well as all its virtues. Many of the representatives of the people hold their opinions with a conviction that is passionate and uncompromising. And in the heat of political controversy some of them, unrestrained by any sentiment of awe, are not disposed to regulate the expression of their views by the codes of etiquette and rules of St. Stephens, though those codes may have the sanction of centuries.

If a Member refers insultingly to another Member, or in any other way offends the dignity of the House, it is the Speaker who calls upon him to withdraw the disparaging words or make an apology. It may happen that the Member, irascible and headstrong perhaps, loses his temper and becomes recklessly defiant of, or indifferent to, the censures of the Chair. Such undisciplined men are prone to kick against rules of order which they regard as harsh and arbitrary, circumscribing unduly their independence of expression and action; and their resentment is likely to be vented upon the Speaker, as if he were the malign concocter of the rules, and not simply their impartial administrator.

To keep a rein on such a varied team, especially in their touchy and unmanageable moods, demands tact, patience, as well as firmness of the highest kind. The Speaker must not be too stern in action or demeanour. I have witnessed many violent scenes in the House of Commons, and have noticed that, in a clash of will and tempers, courteous expostulation and entreaty is more potent than an overbearing manner in the Speaker in the restoration of order. It is true that the sharp and decisive cry, "Order, Order," of Mr. Speaker Peel, and the look of stern rebuke with which it was accompanied, often subdued and cowed Members disposed to be recalcitrant. But this was a wonderful exhibition of the force of a rare personality. It would be perhaps unsafe for a Speaker, differently endowed, to try the game of erring on the side of severity. He must not think too much of his own importance. He must not exaggerate the dignity of his office or strain its powers. Nor must he be

impatient of the commonplace and eccentric. He has to deal with men of emotional and impulsive temperaments, led by their feelings often into unpremeditated acts and unthinking utterances, and, if he is a broad-minded man, with a kindly feeling for the waywardness of human nature, he will understand and forgive. In a word, the Speaker should have a genial and wise tolerance of the extravagant and weak in personality and character, which is bound to appear in an assembly of 670 men, of the most varied types, and which, indeed, makes the House of Commons a place of inexhaustible interest, and there are times when a deaf ear would be as convenient to him as a blind eye was to Nelson.

Moreover, the House will not tolerate the despot or the master in an officer of its own creation. There could not be a greater mistake than to suppose that the Speaker is independent of the House. He cannot ignore or withstand the wishes of the House, as well implied as deliberately expressed. It is true that he wields great controlling powers, and, as I have already said, his rulings on points of order and procedure must be accepted as final, at least for the time being. But, after all, the will which he imposes upon the House is not his personal will. It is the law of the House itself. For everything he does must be in accordance with rule and precedent which have been accepted by the House, and which the House may at any time alter or abrogate if dissatisfied with their working. The initiative, in many things, lies with the House. The Speaker in many things proceeds by its authority, which is not given to him until the very moment for action. He cannot leave the Chair, even at the close when all business is transacted, without a motion being made by a Minister and agreed to by the House. The will of the House must prevail in all things. And therefore in all he does the Speaker is naturally restrained by the desire to have his action fully endorsed by those from whom he has derived his position and powers.

The Speaker enforces order generally by reprimand or

admonition. If a Member is indisposed to recognize the authority of the Chair, different courses are open to the Speaker for dealing with him. He may direct the Member, under a Standing Order passed in 1888, to withdraw from the House and its precincts for the remainder of the night's sitting. If the conduct of a Member is grossly disorderly, and he is openly defiant of the authority of the Chair, the Speaker may "name" him. He simply says: "I name Mr. Blank for disregarding the authority of the Chair." Thereupon the Leader of the House, or the Minister in charge of the business then in hand, immediately rises and moves that Mr. Blank be suspended from the service of the House. The motion cannot be discussed. It is put forthwith from the Chair, and if challenged by a division must, of course, be endorsed by a majority.

The "naming" of a disorderly Member is a very old procedure. Formerly it seems to have been the custom, when Members became noisy, for the Speaker to cry "Order, order, or I shall name names."

The story is told that John Wilkes asked Mr. Speaker Arthur Onslow, about the middle of the eighteenth century, what would be the consequences of his naming names. "The Lord in heaven only knows" was the reply. Charles James Fox once related to the House of Commons that he put the same question to Sir Fletcher Norton, who occupied the Chair subsequently to Onslow, and got for an answer: "Happen? Hang me, if I either know or care!"<sup>1</sup> However, the procedure in regard to "naming" was adopted as long ago as 1693, during a Parliament of William and Mary. To ensure that all debates should be grave and orderly, and that all interruptions should be prevented, it was "ordered and declared"—"That no Member of this House do presume to make any noise or disturbance whilst any Member shall be orderly debating, or whilst any Bill, Order, or other matter shall be in reading or opening. And in cases of such noise or disturbance, that Mr. Speaker do call upon the Member 'by name,' making such disturbance, and

<sup>1</sup> Pellew, *Life of Lord Sidmouth*, vol. 1, p. 69.

that every such person shall incur the displeasure and censure of the House."<sup>1</sup>

An illustration of the manner in which the House dealt with a disorderly Member of old is afforded by an unpleasant scene which occurred in the early years of the nineteenth century. On February 27, 1810, a Committee of the House appointed to inquire into the expedition to the Scheldt reported that a Member named Fuller had misbehaved himself during their sitting by making use of profane oaths and otherwise disturbing their proceedings. Fuller, on being asked by the Speaker for an explanation of his conduct, aggravated his offence by repeating the language which shocked the Committee with greater luridness and volubility. Mr. Speaker Abbot "named" him, and he was directed to withdraw. It was immediately ordered by the House that he be taken into the custody of the Serjeant-at-Arms. But when the Serjeant-at-Arms endeavoured to arrest him in the lobby, Fuller rushed into the House swearing dreadfully and, shaking his fist at the Speaker, protested that "the little fellow in the Chair" should not put him down. On the order of the Speaker the Serjeant-at-Arms dragged him by force out of the Chamber.<sup>2</sup>

This custom or rule of "naming" was made a Standing Order on February 28, 1880. On November 22, 1882, fixed penalties were provided. The suspension on the first occasion lasted a week; on the second, for a fortnight; and on any subsequent occasion in the same session for a month. In 1902 the Standing Order was reconsidered and amended. The three periods of suspension were struck out with a view to the substitution of others of greater length, but owing to the pressure of public business the revision was adjourned, with the result that the blanks were never filled up. It is now the practice for the suspension of a Member who has been "named" to continue for the session, unless the House by resolution terminates it sooner. Suspension

<sup>1</sup> Hatsell, *Precedents*, vol. 2, p. 131 (1818 edition).

<sup>2</sup> *Commons Journals*, vol. 65, p. 134.

carries with it exclusion from the precincts of the House.<sup>1</sup>

Gladstone, supporting, as Leader of the Opposition, the nomination of Peel to the Chair, for the third time, on August 5, 1886, said: "There was a time, sir, when the chief function of the Speaker was to defend the privilege of the House against external attack. Dangers of that kind have passed away, and the chief function of the Speaker—one may say, almost practically, the exclusive function of the Speaker—is to defend the House against itself. That is to say, to vindicate its authority against every individual Member who may not be sufficiently sensible of his duty. And that function, I am afraid, in modern times, has become still more arduous and difficult than was the original office of defence against aggression from outside."

This is well and truly said. Happily, the rules of order on the whole seem now to be adequate for the purposes for which they have been framed, from time to time, in the light of fresh experience. Moreover, there is the great factor of the corporate devotion of the Members, as a body, to the honour and dignity of the House, an influence of tremendous import which in moments of real crisis rallies them to the support of the Speaker as the guardian of order. Indeed, the Speaker does not always himself detect violations of the rules of debate. His attention is often directed to a breach of order by another Member, animated sometimes by the partisan desire of discomposing a political opponent, but more often, perhaps, by a genuine desire to preserve the decorum of the House. The Chair, too, is regarded with a respect so profound as to be akin almost to reverence and worship. As we have seen, Mr. Speaker himself, as he walks solemnly up the floor at the opening of every sitting, makes three low obeisances to the Chair, and the ceremony inspires Members, susceptible as they are in the main to the historic traditions of the House, immemorial and splendid, with a sort of awe of the Chair.

More than that, the Chair is exalted by the written rules

<sup>1</sup> May, *Law and Usage of Parliament*, 341.

of the House as well as by tradition and etiquette. One of the rules enjoins that a Member "must enter and leave the House with decorum," which has been interpreted to mean, not only that he must uncover, but that he must also "make an obeisance to the Chair" when passing to or from his place. It is a serious breach of order to pass between the Member addressing the House and the Chair. This offence, committed though it be in ignorance or forgetfulness, is invariably greeted with loud and angry cries of "Order" and "Chair" from the body of Members. When the Speaker rises the Member in possession must sit down. The Speaker must always be heard in silence. It is considered disrespectful for a Member to leave his seat while the Speaker is addressing the House. On May 10, 1897, while Mr Speaker Gully was on his feet, several Members passed down the floor. There were cries of "Order" and "Chair." Sir Henry Fowler, an old Member, interposed to ask whether it was not the rule that when the Speaker rose from the Chair every Member should remain seated. "That is the rule," replied the Speaker, "and it is important in the interests of the order and decency of the proceedings of the House that it should be observed."<sup>1</sup>

One result of all this awe and reverence is that every occupant of the Chair comes in time to be regarded as Speaker by right divine, and to command the admiration and the loyalty of the House. At his resignation—as any one may see who reads the high-sounding eulogies which in accordance with custom are then delivered—the House kneels at his feet and offers him incense. This is, of course, as it should be. Nothing contributes so much to the authority of the Chair as the conviction that the Speaker is a superior being, benign until thwarted, and then a being of awful wrath and thundering majesty. Disraeli declared of Shaw-Lefevre that even "the rustle of his robes," as he rose to rebuke a breach of order, was sufficient to awe an unruly Member into submission. The splendid outcome of this feeling is obedience to the rulings of the Chair. It is

<sup>1</sup> *Parliamentary Debates* (4th series), vol. 49, p. 122.

but natural that Members who are the victims should occasionally chafe against them, and for the moment feel disappointed and aggrieved. But such is the confidence in the impartiality of the Speaker that the ultimate verdict of calm consideration is usually that these decisions are just and proper.

But supposing a Speaker, who, of course, puts his own interpretation on precedents and orders, finds that he has made a wrong ruling, which the House has not discovered, what ought he to do in the way of rectifying it? Thomas Moore records in his *Diary* an extraordinary discussion on this point, perhaps academic, with Mr. Speaker Manners-Sutton after dinner one evening in 1829 at the Speaker's House. "Dwelt much on the advantages of humbug," writes Moore, referring to Manners-Sutton; "of a man knowing how to take care of his reputation, and to keep from being *found out*, so as always to pass for cleverer than he is." Moore says he argued that such a policy denoted, not an impostor but a wise man. If by that line of policy a man induced his fellow-men to give him credit for being cleverer than he really was, the fault could not be his, so long as he did not himself advance any claims to this credit. The moment he *pretended* to be what he was not, then began humbug, but not sooner. The poet then goes on, still referring to Manners-Sutton:—

"He still pushed his point, playfully but pertinaciously, and in illustration of what he meant put the following case: 'Suppose a Speaker rather new to his office, and a question brought into discussion before him which Parties are equally divided upon, and which he sees will run to very inconvenient lengths if not instantly decided. Well, though entirely ignorant on the subject, he assumes an air of authority and gives his decision, which sets the matter at rest. On going home he finds that he has decided quite wrongly: and then, without making any further fuss about the business, he quietly goes and *alters* the *entry* on the Journals.'"

Moore again insisted that wisdom, and not humbug, was the characteristic of such an action. "To his *supposed* case

all I had to answer," the poet writes, "was that I still thought the man a wise one, and no humbug; by his resolution in a moment of difficulty he prevented a *present* mischief, and by his withdrawal of a wrong precedent averted a *future* one."<sup>1</sup>

## CHAPTER IX

### THE CASTING VOTE

THE Speaker on his election to the Chair forfeits—actually, though perhaps not theoretically—his rights as the representative of a constituency. He is practically disqualified from speaking in the debates and voting in the divisions. The constituency which he represents is therefore in a sense disfranchised. But no constituency has ever objected to its Member accepting the Chair. No doubt it feels there is compensation in the distinction which it acquires by returning the Speaker of the House of Commons.

When the House goes into Committee, whether for the consideration of Supply or the clauses of a Bill, the Speaker vacates the Chair, and the Chairman of Committees presides. The Chairman, however, does not take the Chair. He sits at the Table, in the low seat of the Chief Clerk, who, like the Speaker, leaves the Chamber when the House is in Committee. In days gone by it was customary for the Speaker to join in Committee debates and divisions. When the Bill for the Union of Great Britain and Ireland was in Committee, Mr. Speaker Addington, on February 12, 1799, declared that while he was in favour of the plan, he was against the proposals of amelioration with which Pitt was disposed to accompany it. If it were a question, he said, between the re-enactment of all the Popery laws or the Union, coupled with Catholic Emancipation, as a means for the pacification of Ireland, he would prefer the repressive

<sup>1</sup> Moore, *Diary*, vol. 6, pp. 33-4 (1854).



measures of old. Again, during the Committee stage of the Bill introduced by Henry Grattan, in 1813, to qualify Roman Catholics for election as Members of Parliament, an amendment to omit the vital words, "to sit and vote in either House of Parliament," was moved by Mr. Speaker Abbot (who was strongly opposed, like Addington, to the removal of the Catholic disabilities), and having been carried by the narrow majority of four votes was, of course, fatal to the measure.

Manners-Sutton also exercised his right to speak in Committee twice on such highly controversial questions as Catholic Emancipation,<sup>1</sup> and once on the claims of Dissenters<sup>2</sup> to be admitted to the universities, to both of which reforms he, like his predecessors in the Chair, answered an uncompromising "No." But so high has the Chair been lifted in recent times above the conflicts of Party politics, that partisanship so assertive and aggressive would not now be tolerated in a Speaker. On the last two occasions that a Speaker interested himself in proceedings in Committee the questions at issue had no relation whatever to Party politics. In 1856, Shaw-Lefevre spoke in defence of the Board of Trustees of the British Museum, of which he was a member;<sup>3</sup> and in 1870 Denison, helped to defeat in the division lobbies a proposal in the Budget of Robert Lowe imposing a licence duty on farm horses employed in carting materials for the repair of parish roads.<sup>4</sup> On that night of June 9, 1870, a Speaker was seen for the last time in the division lobbies. It is probable that never again will a Speaker either speak or vote in Committee. Indeed, Mr. Speaker Gully signalized his tenure of office by directing that his name should be omitted from the printed lists with which the clerks in the division lobbies are furnished for the purpose of recording the names of Members and how they voted. This precedent, however, has not been followed.

<sup>1</sup> *Parliamentary Debates* (2nd series), vol. 4, p. 1451 (1821), and vol. 13, p. 434 (1825).

<sup>2</sup> *Ibid.* (3rd series), vol. 24, p. 1092 (1834).

<sup>3</sup> *Ibid.* (3rd series), vol. 141, p. 1352.

<sup>4</sup> *Ibid.* (3rd series), vol. 201, p. 1815.

The introduction of the Budget is one of the few occasions on which it is usual for the Speaker, when not in the Chair, to remain in the Chamber as an interested listener to the financial statement of the Chancellor of the Exchequer. When the Chairman of Ways and Means is presiding over the House in Committee in which the Budget is introduced, the place occupied by the Speaker is at the lower end of the Treasury Bench, close to the Chair, where he sits in his wig and robes.

The Speaker's disqualification from voting while in the Chair is a very ancient one, as the records show. In the year 1601, and in the last Parliament of Queen Elizabeth, the voting on a Bill to make it compulsory to go to church on Sunday was 105 for and 106 against. The supporters of the measure declared they had the voice of Mr. Speaker Croke on their side, which made the voting equal. "And it grew to a question," says the chronicler, "whether he had a voice." Sir Edward Hobby said that as the Speaker was the mouth of the House and not a stranger, therefore he had a voice. "To which he was answered by Sir Walter Raleigh, and confirmed by the Speaker himself, that he was foreclosed of his voice by taking that place, and that he was to be indifferent to both Parties, and withal showed that the Bill was lost." "The Speaker hath no voice," said Mr. Secretary Cecil, "and tho' I am sorry to say it, yet I must needs confess lost it is, and so farewell to it."<sup>1</sup>

The only vote which a Speaker now gives is a casting vote, should the numbers prove equal in a division taken while he is in the Chair. This also is an old custom. On March 29, 1673, a debate took place on the printing of addresses to the King, Charles II., in relation to certain grievances arising out of the quartering of soldiers. On a motion to adjourn the debate the numbers were equal—105 on each side. The Speaker, Edward Seymour, gave his casting vote for the adjournment, and, according to the *Parliamentary History*, jestingly said, "he would have his reason for his judgment recorded, viz., because he was very

<sup>1</sup> *Parliamentary History*, vol. 4, p. 497.

hungry.”<sup>1</sup> The joke, however, is not to be found in the *Journals*. “And Mr. Speaker giving his vote with the Ayes”—so runs the official entry—“it was resolved in the affirmative.”<sup>2</sup>

On May 12, 1792, Mr. Speaker Addington stated certain principles which guided him in giving his casting vote, and these have generally been acted upon since. A Bill relating to succession duty on real estate was before the House. The question that the Bill be “now” read a third time was decided in the negative. There was a majority also against a motion for the rejection of the Bill. Then it was moved that the Bill be read a third time “to-morrow”; and for this there was an equality of votes. The Speaker gave his casting vote with the “Ayes.” In doing so, he said “that upon all occasions when the question was for or against giving to any measure a further opportunity of discussion, he should always vote for the further discussion, more especially when it had advanced so far as a third reading; and that when the question turned upon the measure itself—for instance, that a Bill do or do not pass—he should then vote for or against it, according to his best judgment of its merits, assigning the reasons on which such judgment would be founded.”<sup>3</sup>

Happily, perhaps, for the peace of mind of Mr. Speaker, a tie is a very rare occurrence in the House of Commons. Charles Abbot was placed by one in a dramatic and painful situation, arising out of an incident most exceptional in our public life—a charge of malversation against a Minister of the Crown. In the report of a Commission appointed to inquire into the management of the naval departments, charges of malpractices were brought against Henry Dundas, Lord Melville, First Lord of the Admiralty in Pitt’s last administration, and the right-hand man and intimate friend of the Prime Minister. That was in 1805. It was established

<sup>1</sup> *Parliamentary History*, vol. 4, p. 584.

<sup>2</sup> *Commons Journals*, vol. 9, p. 281.

<sup>3</sup> *Ibid.*, vol. 51, p. 764. May’s *Law and Usage of Parliament* (1906) pp. 364-5.

that during Dundas's tenure of office as Treasurer of the Navy in the Shelburne Administration, as far back as 1782, his Paymaster, Trotter, who was also his private agent, withdrew large sums of public money from the account of the Treasury in the Bank of England, and, lodging them in a private bank, appropriated the accruing interest; and Lord Melville admitted, in his examination before the Commission, that as advances of money had been made to him by Trotter at the time, he might have made use of this public money unwittingly for his own private ends. On April 8, 1805, Samuel Whitbread brought forward in the House of Commons a series of resolutions setting out the case against Lord Melville as disclosed by the investigations of the Commission. Pitt thereupon moved the previous question, but promised that if this motion were carried he would propose that the report of the Commission be referred to a Select Committee. There was a good deal of Party malice in this action of the Whigs against the Tory Minister. With their zeal for the purity of the administration of public affairs the Opposition mixed a desire to annoy a political antagonist and embarrass the Government. After a long and heated debate a division was taken on Pitt's motion. It resulted in a tie. For the motion, 216; against the motion, 216. The painful issue depended upon Mr. Speaker Abbot's casting vote! No wonder the Speaker was overcome by the deepest distress. For a long time he sat in the Chair, pale and trembling, in view of the crowded and deeply excited but silent House, before he could master his emotion and gather sufficient composure and strength of mind to rise and deliver his decision. It was against Lord Melville! It is said that Pitt crushed his hat over his eyes, to hide his tears for the fate of his friend and colleague.

At that time the public galleries were always cleared before a division. On the return of the reporters the House was found debating Whitbread's resolutions, so that there is no report in *Hansard* of what the Speaker may have said in explanation of his vote. "The numbers being thus equal," says the simple record, "the Speaker gave his

casting vote in favour of Mr. Whitbread's motion, thereby making a majority of one." Abbot, however, in his *Diary*, briefly sets out the explanation of his vote which he gave to the House. He said that as the charges of "conniving at the profits illegally made by Mr. Trotter for his own private use out of the public moneys" were "confessed and established, and fit for the immediate judgment of the House," he should give his vote for the Ayes.<sup>1</sup> This decision appears to be somewhat in conflict with the principle which usually guides the Speaker in giving a casting vote,—namely, that he should not judge for the House, but should give the House the opportunity of coming itself to a more definite conclusion—for Abbot decided that two of the charges against Melville had been proved by Melville's own admissions at the inquiry, leaving uncertain the charge that Melville had participated in Trotter's profits. Whitbread's resolutions were carried;<sup>2</sup> Melville accordingly was impeached for "high crimes and misdemeanours" before his peers, the House of Lords; but, after a trial of fifteen days, his defence, that he had not connived at Trotter's use of the public money for his own private emolument, was accepted by thirty-one votes to twenty-seven, and thus he was acquitted of personal corruption. It was the last impeachment of a Minister, the last application of an ancient procedure for calling a Minister to account.

In the discharge of this delicate duty of deciding a tie—a duty that is usually momentous, considering the great issues that often hang on divisions in the House of Commons—the Speaker may, in theory, vote like any other Member, without assigning a reason; but custom and precedent have established the rule that, with a view to preserving the impartiality of the Chair from even the breath of imputation and doubt, he should vote in such a way as not to make the decision of the House final, and should also state why he does so, which explanation is entered in the *Journals*. This is made clear by the most recent instances of ties.

<sup>1</sup> Colchester, *Diary*, vol. 1, p. 548.

<sup>2</sup> *Parliamentary History*, vol. 4, pp. 255-371.

John Evelyn Denison, who was Speaker in the "sixties," gave three casting votes. Matters of considerable importance were each time at stake. The first occasion was on June 19, 1861, when, in the division on the Bill for the exemption of churches from local rates, the numbers proved exactly equal—Ayes, 274; Noes, 274. The incident was somewhat dramatic. What was about to happen had been foreseen by the Speaker. The Clerk, Sir Denis le Marchant, said to him, "They don't expect much discussion; I dare say it will be over by four." "No," replied the Speaker, who tells the story in his *Diary*, "it will go on longer than that, and about half-past five I shall be called upon to give a casting vote."

So it turned out. The four tellers came back to the House from the two lobbies together—always an indication that the division has been a close thing—and one of them, before the numbers had been publicly announced at the Table, whispered that there was a tie. The Speaker thought at first the teller had said not "tie," but "five," and in the belief that there was a majority on one side or the other he sat back in the Chair in the ease of relief. But when the numbers were proclaimed he found that his anticipation of a tie had proved correct. "The excitement became intense," he writes. "I sat still for a moment to let it subside. I had quite made up my mind, and was quite prepared. Indeed, I was the only person in the House who was not taken by surprise. I gave my reasons for the vote, I gave my voice with the Noes." His principal reason was that he desired, according to precedent, to give the House another opportunity of considering the question.<sup>1</sup> With this incident, which Gladstone has described as being enacted in breathless silence, began the long and bitter struggle on the question whether or not churches should be free of rates, which was ultimately answered years afterwards by the passing of the Bill.

Denison refers in his *Journal* to the many compliments he received from prominent Members for the way he had

<sup>1</sup> Denison, *Notes from My Journal*, 94-9.

acted his part, and with an apology he adds: "I hardly like to write these self-laudations. Some time it may be pleasant to look back to the day, perhaps. Mr. Disraeli," he goes on, "came to my Chair and said he wished to express the unqualified admiration with which he, and all around him, had listened to what I had said. That there was but one feeling and one opinion about the admirable manner in which I had performed my part, both in manner and as to its substance. What a remarkable moment it had been, what a striking scene; he would not have missed it for anything in the world."

There was another tie on the third reading of the Tests Abolition (Oxford) Bill, on July 1, 1864. The object of the Bill was to complete the work of throwing open Oxford University to Nonconformists by admitting them to the higher as well as the lower degrees without having to subscribe to the Thirty-Nine Articles. The rejection of the Bill was moved and supported by those who desired to restrict the governing body of the university and colleges to persons of the Established Church. It was defeated by 150 votes against 140. The question "That this Bill be now read a third time" was next put after a brief debate; and, a large number of other Members having come to the House in the meantime, the voting was 170 for and 170 against. The Speaker gave his casting vote for the Ayes. At present the last stage of a Bill in the House of Commons is the third reading. But at that time there was a further stage, namely, the motion "That this Bill do now pass," which was purely formal, and, while abolished in the Commons, still survives in the Lords. In giving his casting vote for the Ayes, Mr. Speaker Denison said he afforded the House another opportunity of deciding the question for itself, as a division could be challenged on the motion "That this Bill do now pass." This was accordingly done, though as a rule the stage was never contested. It was also done immediately. Yet the voting was again entirely different. The Bill was thrown out by a majority of two, 171 being for it and 173 against it. It was not until 1871 that Gladstone's first

Administration carried a Bill which abolished the last of the religious tests, that of subscribing to the Thirty-Nine Articles, at both Oxford and Cambridge.<sup>1</sup>

The third occasion of Mr. Speaker Denison's casting vote—of which, strangely enough, he makes no mention in his *Journal*—was on another motion raising, like the other two, a question of religious controversy. It declared it was undesirable that the fellowship and foundation scholarships of Trinity College, Dublin, should be exclusively appropriated by persons of the Established Church, and was moved on July 24, 1867. The numbers in the division being equal, the Speaker stated that the principle involved in the resolution was one of great importance, and if affirmed by a clear majority of the House would have much force. It should, however, be affirmed by a clear majority of the House, and not merely by the casting vote of the Speaker. For these reasons he declared himself with the Noes. In this case, again, the casting vote of the Speaker put off a final decision by the House on the question at issue.<sup>2</sup>

Mr. Speaker Peel had occasion to give his casting vote but once during his eleven years' tenure of the Chair. It was on the Marriage Confirmation (Antwerp) Bill, July 25, 1887. The object of the measure was to confirm marriages solemnized at Antwerp by a Dr. Potts, who was chaplain to a British and American sailors' bethel at that port from 1880 to 1884, which marriages were supposed to be invalid on account of a technicality. The tie occurred on a motion for the adjournment of the debate at two o'clock in the morning, and Mr. Speaker Peel gave his casting vote in favour of the adjournment.<sup>3</sup> In this case the Bill was not heard of again, for no opportunity of proceeding with it was available during the session.

Mr. Speaker Gully's experience in this respect was very singular. He once gave his casting vote when, as it turned out afterwards, no tie had really occurred. It was on May

<sup>1</sup> Denison, *Notes from My Journal*, 167-8.

<sup>2</sup> *Commons Journals*, vol. 122, p. 395.

<sup>3</sup> *Parliamentary Debates* (3rd series), vol. 317, pp. 2011-15.



11, 1899, in connexion with the second reading of the Vehicles (Lights) Bill. "The tellers for the Ayes and the Noes came up to the Table almost at the same time," said Mr. Gully, describing the incident. "One of the tellers gave his number as forty, and the teller for the Ayes was then turned to and asked his number. In point of fact, the teller of the Ayes had succeeded by a majority of three. His number should have been forty-three, but he was so elated at hearing of a victory which he had not expected that at the moment he only repeated what the other Member had said, and he said 'forty,' whereupon there was a tie. I then gave my vote for the Ayes, doing that which a Speaker always did on such occasions, although I do not think I had formed any opinion at all upon the Bill. Still, in doing what I did I pursued the proper course, because it gave the opportunity on the third reading for the expression of a decided opinion on the Bill." The mistake was discovered on the publication of the official division lists the following day.

The only actual tie during Mr. Speaker Gully's term of office happened on April 3, 1905. A Tramways Bill of the London County Council was before the House at the second reading stage, and an instruction to the Committee was moved to omit the clauses authorizing the laying of lines across Westminster and Blackfriars Bridges and along the Victoria Embankment. On a division there were 171 both for and against the instruction.

"In the circumstances," said the Speaker, "in order that this matter may be disposed of in Committee and to give the House another opportunity of dealing with it and settling it in a more decisive manner, I shall give my vote for the Noes." The instruction was accordingly rejected.<sup>1</sup> Subsequently the Bill passed through the House of Commons, but it was rejected by the Lords. It was re-introduced in the following year, however, and then passed into law.

Mr. Speaker Lowther had been five years in the occupancy of the Chair before he was called upon by an indecisive division to give his casting vote. It was on July 22, 1910.

<sup>1</sup> *Commons Journals*, vol. 160, p. 105.

On an amendment to the Regency Bill on the report stage, moved by a Conservative Member (Mr. Mitchell-Thomson), the division resulted in a tie—61 for, 61 against. Mr. Lowther, after stating that this was the solitary occasion on which as Speaker he had an opportunity of giving a casting vote, said he would give it in favour of the Bill as originally introduced. So he voted "Aye" and declared: "The Ayes are 62, the Noes 61."

As originally introduced by the Government, Clause 4 of the Bill contained the identical words which the Scotch Conservative proposed to add to it on the report stage. During the Committee stage these particular words were deleted. Mr. Churchill, the Minister in charge of the Bill, mentioned that the Government attached no importance to the words, but he made it clear that he himself saw no reason to reverse the decision. As amended in Committee, Clause 4 read: "The Regent shall not give or have power to give the Royal Assent to any Bill for repealing, changing, or in any respect varying the order or course of succession to the Crown of this realm, as established by the Act of Settlement." To this Mr. Mitchell-Thomson now proposed to add the words: "or to any Bill for repealing or altering an Act of the fifth year of the reign of Queen Anne, made in Scotland, intituled 'An Act for securing the Protestant religion and Presbyterian government.'" As the result of the division, and through the Speaker's casting vote, the words quoted were restored to their original place in the Bill.<sup>1</sup>

I have said it is usual for the Speaker, when practicable, to give his casting vote in such a manner as not to make the decision of the House final. That course appears, in this instance, to have been impracticable. There was a general understanding that the Bill should that day be passed through its remaining stages. Moreover, the Speaker's vote only restored the Bill to the form in which it was originally presented by the Government.

<sup>1</sup> *Parliamentary Debates* (5th series), vol. 19, pp. 1696-1717.

CHAPTER X

“LIKE SAD PROMETHEUS”

IT must be hard, indeed, upon the Speaker to sit in the Chair hour after hour, during a long sitting, and night after night, for a protracted session, bound to be there and bound to listen to every discussion, bound to let nothing escape his attention, a necessarily silent and a necessarily watchful observer of what goes on: “Like sad Prometheus fastened to a rock.” He must not have too high a conceit of himself. The virtue of modesty and self-abnegation must be his in a large measure, for otherwise his soul might rise in revolt against the petty and trivial, and even mean and sordid, wranglings in which occasionally those who sit beneath his sway indulge.

It is a motley assembly, the House of Commons. What strange characters are to be seen there! How varying are the rôles they fill! All the powerful motives and passions which practically influence human character and conduct—self-interest, ambition, jealousy—find vent in the rivalries and intrigues of the Assembly. What does the Speaker think of it all? What are his feelings in the Chair? Does he hold a private inquisition into the temperaments and qualities of hon. Members, studying their faces and manners, making a mental note of every gesture, of every intonation, that gives a hint of character? Certainly, a Speaker with a sense of humour or a satirical vein might derive much amusement and refreshment, in the dull hours, by watching, as he sits throned on high, the exhibitions of earnestness and fervour which are dissipated in the defence of, or opposition to, things trivial or matters that seem of no importance. Happy man, if there be no extravagance with which he is incapable of sympathy. But if he is not of that enviable disposition, how jaded he must feel at times! How hollow these platitudes and irrelevancies—endlessly repeated—must sound in his weary ears!

When the House is the scene—as it often is—of a great conflict on some moving political question, in which the chief gladiators on both sides take part, the lot of the Speaker seems happy. He sits above it all in his elegant and spacious Chair, full of comfort and rest, into which he leans back in excess of contentment, and listens. In that arena of oratorical conflict, where talk, talk, talk goes on all the time, the Speaker says little, argues still less, and indulges in political disputation not at all. But everything that is said is said to him. To him all the speeches, great and little, are spoken

“Mr. Speaker,” each Member begins. It may be that in reality it is not the Speaker who is addressed at all. It may be that it is not even the House. Perhaps it is the representatives of the Press, who sit up aloft in the Reporters’ Gallery, that are talked to, or, rather, through them the electorate, in the hope of influencing public opinion. At any rate, the speeches are interlarded with a good deal of exclamatory remarks which are directed straight to the occupant of the Chair. “Let me tell you, Mr. Speaker.” “I ask you, Mr. Speaker.” “Mr. Speaker, is it not the fact?” “How comes it to pass, Mr. Speaker?” “Mr. Speaker, I am sure you will agree with me when I say.” In fact, he is appealed to and reasoned with as if he were brimming over with interest in the subject under discussion. The Member on his feet asserts, protests, explains, argues, laying bare all his emotions and aspirations, as if Mr. Speaker had on his knees the destiny of all things, besides the settlement of political controversies, and that it were well not only to convince but to propitiate and stand well with one so powerful.

The Speaker listens to it all. He listens, but he gives no sign as to how he is personally influenced by this expounding and deducing, this triumphant confuting of each side by the other, apparently for his benefit alone. He listens, but it is to be feared that it is not with the desire to discover what is true and what is false in the views which are laid before him, not with the laudable intention even of improving his mind by extending the range of his political ideas. To each



THE HOUSE OF COMMONS IN 1742

(THE SPEAKER IN THE CHAIR)

FROM AN ENGRAVING BY JOHN PINE



talker he gives his ear but not his countenance, for the expression of his face is to his thoughts an impenetrable disguise. He gives his ear not as a sign of sympathy with the opinions expressed, but in order to ensure that the hon. Member in his argument—however puerile and ridiculous it may be—keeps strictly to the point of the debate and wanders not afield. The Speaker is deeply concerned in an affair which, to him at least, is of the supremest importance—being, in fact, the main and primary object of his office—that is, the due regulation of business according to rule and precedent, and it absorbs all the attention of his mind to such a degree that probably the political arguments of the debate make no impression whatever upon him. Let the hon. Member on his feet but transgress any of the rules of the House, and he will find the Speaker, who is listening to him with such placid intentness, transformed into a stern and reproving judge.

It is a common thing for Members to slumber in the Chamber, but has a Speaker ever been detected asleep in the Chair? Once, at least, jaded nature asserted itself over the watchful President of the House of Commons, and the eye of the Speaker was caught napping. The Speaker was Manners-Sutton, and the occasion was one of the debates in the first reformed Parliament. Winthrop Mackworth Praed, the political satirist, who sat in the House as a Conservative, saw the lids of the Speaker, overweighted with weariness and langour, close in slumber, and he made the incident the subject of some genial lines which first appeared in the *Morning Post* of March 6, 1833. This is the opening stanzas:—

“Sleep, Mr. Speaker,—it’s surely fair,  
 If you don’t in your bed, that you should in your Chair;  
 Longer and longer still they grow,  
 Tory and Radical, Aye and No;  
 Talking by night and talking by day:  
 Sleep, Mr. Speaker, sleep while you may!”

His sense of responsibility and trust tends to keep the mind of the Speaker continually upon the stretch.

It is possible, of course, during a dull discussion, for him to grow weary, then indifferent, then absent-minded, and

finally to lose himself in thought to the extent of a complete unconsciousness of his surroundings, with the mind sunk deep in the pleasure of dreamy contemplation, wandering far away from St. Stephens. Only this state of being can explain an incident which not unfrequently happens. The Member addressing the House unexpectedly finishes and resumes his seat. Instantly half a dozen others jump to their feet eagerly straining themselves on the attention of the Speaker. There is a pause of a few seconds. The Speaker does not call upon any of the competitors for his notice and selection. He seems to have been suddenly summoned out of a reverie, and in the unpreparedness of the moment is unable to think of the name of any of the Members on their feet. The suspense is ended only by one of the Members boldly starting on his speech without the preliminary call of the Speaker. Once I saw a Speaker aroused from introspection and self-communion to decide a point of order laid before him by two contending Members on opposite sides of the House. Obviously he had not recovered his wandering thoughts in time to understand the matter at issue. He had the bewildered look of one upon whom a situation has come with suddenness and surprise. Yet with an air of profound solemnity, quickly assumed, he declared that if neither was precisely right, in his opinion neither was precisely wrong.

But it is not often that the Speaker is thus discovered in a brown study, lost in his own reflections. As a rule he is alertly on the look out, keeping both his eyes and ears open. It is marvellous how quickly he develops a perfect appreciation of the position of affairs, when he appears to be all unconscious of what is going on, and pulls together his straggling team and makes them subservient to his will with a cry of "Order, Order!"

Sir Fletcher Norton, who was Speaker from 1770 to 1780, took no pains to conceal his boredom in the Chair. During a tedious debate he would often cry aloud, "I am tired! I am weary! I am heartily sick of all this!"<sup>1</sup>

<sup>1</sup> May, *Constitutional History*, vol. 1, p. 503 (Note).



Thomas Moore records in his *Diary* that, dining with Mr. Speaker Manners-Sutton on September 23, 1825, he related that Lord Sidmouth—Henry Addington—told him the only time his gravity was ever tried in the Chair was once when Brook Watson, speaking on some subject connected with North and South, said: “Mr. Speaker, it is impossible at this moment to look to the north-east without at the same time casting a glance at the south-west.” The Speaker stood this pretty well, but hearing some one behind the Chair say: “By God, no one in the House but Wilkes could do that,” he no longer could keep his countenance, but burst into a most undignified laugh. John Wilkes squinted. Moore adds: “Felt my story to be rather awkward before I was half through it, as the Speaker squints a little.” Manners-Sutton, in return, told Moore of the only occasion he had ever laughed while occupying the Chair. It was during a debate in which Members of the Opposition had been squabbling fiercely together, when a large rat issued from beneath the front Opposition bench and walked deliberately across to the Government side of the House.<sup>1</sup>

Not until 1855 was provision made for a Deputy Speaker in the unavoidable absence of the Speaker. Before that year it was the custom, when the Speaker fell ill, for the Clerk to announce the fact, and for the House immediately to adjourn. On the recommendation of a Select Committee, which was appointed to consider and suggest a means for obviating the inconvenience caused by such interruptions of public business, the House adopted a Standing Order, on July 20, 1855, empowering the Chairman of Committees to preside as Deputy Speaker. It is provided that whenever the House shall be informed by the Clerk at the Table of the unavoidable absence of Mr. Speaker the Deputy Speaker shall take the Chair, and so on from day to day on the like information being given to the House, until the House shall otherwise order.<sup>2</sup> The Standing Order subsequently received statutory authority so as to provide

<sup>1</sup> Moore, *Diary*, vol. 4, p. 320.

<sup>2</sup> Standing Order 81, *Manual of House of Commons Procedure* (1904).

against the validity of acts done or proceedings taken during the absence of the Speaker being afterwards questioned.<sup>1</sup> In 1902 a Deputy Chairman of Committees was appointed. He not only presides in Committee, when the Chairman of Ways and Means is unable to be present, but he may take the Chair also in the absence of both Speaker and Deputy Speaker. The Chairman and Deputy Chairman are not elected by the House. Both posts are Party appointments, and, unlike the Speakership, their occupants change with every alteration of Government. It has, however, become a custom for the Chairman and Deputy Chairman, by reason of their official position, to refrain from taking part in Party conflicts inside the House or outside; and, following the example of the Speaker also, they are now never seen in the division lobbies. In the Chair they wear ordinary evening clothes, without wig and gown, and may be said, without disparagement, to enjoy but a pale reflection of the prestige and authority of the more exalted Speaker whose place they occasionally fill.

By an arrangement made in 1906, during Mr. Speaker Lowther's tenure of office, the interval of twenty minutes during which the proceedings of the House were suspended to enable the Speaker to obtain refreshments was abolished, and the Deputy Speaker or the Deputy Chairman was empowered temporarily to relieve the Speaker when requested to do so by him at the dinner hour.

But even when the House is deliberating for the night in Committee of Supply or in Committee on a Bill, the Speaker is not thereby set free to take a walk abroad. He is tied to his abode, and has to sit in the library, still clothed in his official robes, ready to return to the House at any moment in response to a summons. At the close of an all-night sitting in Committee the appearance of the Speaker to adjourn the House has always a touch of the dramatic, and is invariably emphasized with cheers, which are largely an expression of relief. In 1870, Denison, when there was a prospect of the House sitting late in Committee,

<sup>1</sup> 18 & 19 Vict. c. 84.

arranged with the Chairman of Ways and Means to take the Chair as Deputy Speaker, when progress was reported, and adjourn the House at the end of the proceedings. "This sitting up," he writes, "merely to adjourn the House and put out the lights is not only useless as a matter of business, but it really impedes business, knocks up the Speaker, and renders him inefficient for the following day. This liberty of withdrawing when the House is going to pass the whole night in Committee, and when there are no contested Orders of the Day, ought to be more frequently allowed to the Speaker."<sup>1</sup> Nevertheless, it is rarely availed of.

Even though the House be up, something else remains for the Speaker to do before he can go to bed. He peruses and signs the nightly record of "Votes and Proceedings" which are prepared during the sitting by the Clerks, and, being printed, are left at the residences of Members by the messengers in the morning.

## CHAPTER XI

### THE PRIZE OF THE CHAIR

**B**UT responsible though it be, the Speakership has its compensations. The Speaker has a salary of £5000 a year, and a fine residence in a wing of the Palace of Westminster, close to Westminster Bridge. Every night that the House is in Committee, and this often occurs in the session, he is relieved, as we have seen, by the Chairman of Committees. He has also the inestimable advantage of four or five months' holiday every year, during what is known as the Recess. And after ten or twelve years' service he retires with a peerage and a pension of £4000 a year.

The dignity of the position is also high. The Speaker is the First Commoner of the Realm, and therefore has

<sup>1</sup> Denison, *Notes from My Journal*, 255.

precedence of all the Commonalty, that mighty crowd outside the peerage. This rank of the Speaker was determined by an Act of Parliament that was passed in 1688, after the Revolution. The object of the Act was to enable the Lords Commissioners for the Great Seal to execute the office of Lord Chancellor or Lord Keeper; and in a section of this statute, thus passed for an entirely different purpose, it is incidentally provided that the Speaker's place in the order of precedence is next after the peers of the Realm.<sup>1</sup> The Speaker has also precedence at the Council Table among Privy Councillors.<sup>2</sup>

No wonder, then, that the Speaker's Chair has become one of the highest prizes of political ambition. For honour and dignity, in the public eye, the office ranks next, perhaps, to that of the Prime Minister. Indeed, Speakers of former days have aspired to rule not the House of Commons, but the nation itself. Four of them became Prime Ministers after leaving the Chair. At the opening of the eighteenth century the Speaker was Robert Harley, who ultimately reached the very top of the Government as the Earl of Oxford. Spencer Compton, who was Speaker during the entire reign of George I., vacated the Chair to become the Prime Minister of George II. Henry Addington, after being Speaker for twelve years, was called from the Chair by George III., in 1801, to form an Administration in succession to William Pitt, who resigned owing to the King's rooted objection to Catholic Emancipation. William Wyndham Grenville, who was Speaker in 1789, led the Ministry of "All the Talents" in 1806. Probably the only position for which the Speakership would be relinquished to-day is that of Prime Minister. Sir John Mitford, who followed Addington in the Chair, resigned after a year's service to become Lord Chancellor of Ireland; but he did so only at the earnest solicitation of the King and the *solatium* of a salary of £10,000 per year and a peerage as Lord Redesdale. The Lord Chancellorship of Ireland is a high and honour-

<sup>1</sup> 1 Will, and Mary, c. 21.

<sup>2</sup> Hatsell, *Precedents*, vol. 2, p. 179.

able position, but it is unlikely that nowadays any one would sacrifice for it the Speakership of the House of Commons. Charles Abbot resigned the Chief Secretaryship for Ireland—a post of greater political importance than that of the Lord Chancellorship—so as to succeed Mitford as Speaker in 1802. Abbot refused the offer of a Secretaryship of State from Perceval, the Prime Minister, in 1809, during his occupancy of the Chair; and Manners-Sutton could have been, if he wished, Home Secretary in the Administration formed in 1827 by Canning.

So eagerly is the position sought for that even Ministers have been willing to give up their portfolios for the Speaker's Chair. Thomas Spring Rice, Chancellor of the Exchequer in one of the Melbourne Administrations, had his heart set on that coveted office. He was in the running for the Speakership in 1833, when Manners-Sutton was reappointed by the Whigs, and in 1835, when James Abercromby was elected by them. Abercromby himself had been a Cabinet Minister. When Abercromby retired in 1839, Spring Rice again urged his claim, but it was found he was not acceptable to the Radicals, and Shaw-Lefevre was selected in order to maintain the unity of the Party and preserve the Liberal succession to the Chair. Again, on the resignation of Arthur Wellesley Peel in 1895, Sir Henry Campbell-Bannerman was disposed to lay down his portfolio as Secretary for War in the then Liberal Government for the object of his ambition—the Speakership; and it is said that it was reluctantly he yielded to the urgent representations of his colleagues that the Party could ill spare his services. His sacrifice was well rewarded, for he lived to become Prime Minister in 1905.

Still, this most exalted position has, as a rule, fallen to unofficial Members, or to Members who have held subordinate Ministerial appointments. Denison, in the opening passages of his *Diary*, states that on April 8, 1857, he was seated in his library at Ossington when the letters were brought in, and among them was the following: "94 PICCADILLY, the 7th of April; 1857. MY DEAR DENISON,—

We wish to be allowed to propose you for the Speakership of the House of Commons. Will you agree?—Yours sincerely, PALMERSTON.” Denison says the proposal took him by surprise. “Though,” he writes, “I had attended of late years to several branches of the private business, and had taken more part in the public business of the House of Commons, I had never made the duties of the Chair my special study.” The case of William Court Gully is, in this respect, remarkable. He had been ten years in Parliament before his elevation to the Speaker’s Chair, but he was one of that large, modest band of “silent Members” who, confining themselves to voting on the issues in the division lobbies, are unknown in debate, and consequently are never mentioned in the newspapers. Moreover, being a busy lawyer, Mr. Gully was indifferent to the routine work of the House, and had no experience in serving on Committees upstairs, which is supposed to be the best of all trainings for the Speakership. Indeed, the Chair may be regarded as the one great prize that is open to the occupants of the back benches—to the privates in the rear rank—who possess the necessary physical as well as mental qualities. Personal appearance is undoubtedly a powerful factor in the selection of candidates. This includes the possession of clear vision. A Speaker with spectacles would look incongruous in an Assembly where the competition to catch his eye is so keen. He needs to have long sight, the Speaker of the House of Commons. Most of the Speakers have been gentlemen bred to the law. The overwhelming majority of them, also, have been Englishmen. Two or three came from Wales. One only was a Scotsman, James Abercromby, the Speaker of the Melbourne Administrations. Not a single Irishman has sat in the Chair. Spring Rice, whose case I have just alluded to, was the one Irishman, with an ambition to preside over the House of Commons who had the prize almost within his grasp, only to lose it in the end. On the resignation of Abercromby in 1839, he, being then Chancellor of the Exchequer, wrote pleadingly to Melbourne for the fulfilment of what he deemed to be the

binding pledge of the Government, that he should be their candidate for the Chair when it became vacant. The Prime Minister, writing to him on behalf of the Cabinet, said: "The opinion is that if you continue to wish it you shall be our candidate for the Chair."<sup>1</sup> But it was not to be. The opposition of the Radical section of the Party to him was too strong to be overcome. Ultimately Lord John Russell, as Leader of the House of Commons, wrote to him: "We are of opinion that your being proposed for the Chair would only lead to disappointment on your part, and cause embarrassment to the Party. I say this with great regret, knowing how much your own wishes were directed to this object, and feeling that you are in every way qualified to preside over our debates."<sup>2</sup>

It was a sad case of an ambition long cherished only to be cruelly frustrated at the close. To many a Speaker the honour came when it was unsought for. Upon others it was thrust unexpectedly. Others again accepted it with fear and trembling, and, such was their self-distrust or their exaggerated view of the difficulties of the position, would have been glad if it passed them by. But here was a man who had set himself out, from his first appearance in the House, to aspire to reach the Chair, who for seven years, though a Cabinet Minister, longed and longed for the office, and was so trifled with by fortune that three times when his face was set towards the Chair he was turned aside and doomed never to attain to it.

The term of office of Mr. Speaker is usually short. Arthur Onslow, who was elected in 1728, continued in possession of the Chair for thirty-three years, through five successive Parliaments, apparently without ruffling a hair of his wig. So long an occupancy is now perhaps impossible. For one thing, the duties of Mr. Speaker are physically more responsible and irksome. The sessions are longer, the sittings of the House more protracted, and the fatigue of the prolonged and often tedious hours in the Chair must be

<sup>1</sup> Torrens, *Memoirs of Viscount Melbourne*, 477 (1890).

<sup>2</sup> *Ibid.* 479.

most severe mentally and physically. Besides, there has grown up of late a preference for a certain maturity of age in the Speaker. Arthur Onslow was only thirty-six when he was called to the office. Henry Addington, who occupied the Speaker's Chair at the opening of the nineteenth century, was thirty-two only on his appointment. William Court Gully, who was in possession of the Chair at the opening of the twentieth century, had passed his sixtieth year on his election. The occupancy of the office must be comparatively brief if men are appointed to it only when they are in the decline of life. Of the last three Speakers, Henry Bouverie Brand sat for twelve years, Arthur Wellesley Peel eleven years, and William Court Gully ten years.

## CHAPTER XII

### EMOLUMENTS, PERQUISITES, AND HONOURS

**I**T is not known exactly at what time the practice of remunerating the Speaker for his services began, but it can be traced far back in the history of the Chair. In the sixteenth century he had, at least, an allowance from the Crown of £100 a session. At that period sessions were brief, and a pound was eight times its present value. Sir Thomas More, who was Speaker in 1523, under Henry VIII., was paid this emolument. It is also clear that the Speaker was additionally compensated, if he were not remunerated principally, by means of fees paid by the promoters of Private Bill, or Bills affecting not the community generally but individuals, corporations, or districts. John Hooker, the antiquary, who sat in the House of Commons for a time in the reign of Elizabeth, prepared a statement of procedure and usages at Westminster for the guidance of the Irish Parliament, of which he subsequently became a Member, and enumerating the emoluments of the Speaker in the sixteenth century he wrote: "He hath allowances for his diet, one



hundred pounds of the King for every session of Parliament ; also he hath for every Private Bill passed both Houses and enacted five pounds.”<sup>1</sup> Towards the close of the seventeenth century it would seem that the allowance of £100 a session from the Sovereign was abolished, and in its place was substituted a grant out of the Civil List of £5 for every day the House of Commons sat.<sup>2</sup>

The Speaker was thus remunerated by fees and allowances until the year 1790. In that year an Act was passed “for better supporting the dignity of Speaker of the House of Commons,” by which the salary of the office was fixed at the clear yearly sum of £6000.<sup>3</sup> In the course of the debate on the Speaker’s Allowance Bill it was stated that on an average of ten years the fees from Private Bills amounted to £1232, and the allowances from the Civil List to £1680, so that the total profits of the office was less than £3000 per annum, a sum altogether inadequate, it was contended, to maintain the “splendour and importance” of the “First Commoner of the Kingdom.” In order to supplement this income it had been the practice previously to confer upon the Speaker an office of profit under the Crown, such as the Paymaster of the Navy or the Treasurer of the Navy. Arthur Onslow—the great Speaker of the eighteenth century—was the last to hold such a sinecure. He resigned the post of Treasurer of the Navy because the opinion was openly expressed in the House of Commons that the indebtedness of the Speaker to the Crown for favours was inconsistent with the independence of the Chair.<sup>4</sup> The Speaker’s Allowance Bill, which fixed the annual salary of the Chair at £6000 a year, also incapacitated the Speaker, for the time being, from holding any office or place of profit under the Crown. The new fixed yearly salary was to be derived, in part, from the allowance of £5 a day out of the Civil List and the fees payable on Private Bills, as before, and in part from a grant

<sup>1</sup> Mountmorres, *Ancient Parliaments of Ireland*, vol. 1, p. 21.

<sup>2</sup> *Parliamentary History*, vol. 5, p. 889.

<sup>3</sup> 30 Geo. III. c. 10.

<sup>4</sup> *Parliamentary History*, vol. 28, p. 506.

out of the Consolidated Fund sufficient to bring the amount so obtained up to £6000.

At this time the Speaker was in the enjoyment of several valuable perquisites which were unaffected by the doubling of his salary. At the opening of every new Parliament, when, as now, there was a fresh election to the Chair, the Speaker received £1000 "equipment money" to provide himself with an outfit, and a new service of silver plate of 4000 ounces, or about £1400 in money in lieu of it. Both these grants were made to the same Speaker as often as he might be elected to the office. He was also allowed two hogshead of claret annually, and a sum of £100 a session for stationery. The Dissolution brought a perquisite to the Speaker that was curious and quaint, indeed. It was usually a new Chair to which the Speaker was led by his sponsors at the assembling of a new Parliament. At the close of each Parliament the Speaker took away as a memento the Chair in which he sat as President of the House of Commons. Moreover, he had an official residence, in the Palace of Westminster, free of rent and local charges, together with "coals and candles," the cost of which then amounted to £500 a year.<sup>1</sup>

The Allowance Act of 1790 was repealed in 1832, and another Act was passed abolishing the allowance and fee system, and providing for the payment of the Speaker's annual salary of £6000 out of the Consolidated Fund, clear of all taxes, impositions, and fees whatsoever.<sup>2</sup> In the following year a Select Committee was appointed by the House of Commons to take into consideration and report upon the establishment of the Speaker. In their report they state that as the result of a revision of the emoluments of Ministers a salary of £5000 a year had been assigned to each of the Secretaries of State; and considering that that amount was also a fitting salary for the Speakership, they recommended that at the next election to the Chair it

<sup>1</sup> *Parliamentary History*, vol. 28, pp. 515-18. See also "Report of the Select Committee on the Establishment of the Speaker" (1833).

<sup>2</sup> 2 & 3 Will. IV. c. 105.

should be fixed at that amount, £5000 per annum, with the official residence free of rates and taxes, but without any other allowance except the sum of £1000 for outfit on the first election only. They further advised that a sum of £6000 be expended in the purchase of a permanent service of plate for the Speaker's residence, and that the usual allowance of plate at each election of Speaker be discontinued. Accordingly in 1834 an Act was passed providing that from and after the next election of a new Speaker the salary of the office was to be £5000 a year, paid out of the Consolidated Fund.<sup>1</sup>

The Select Committee had been appointed mainly through the labours of Joseph Hume, that jealous guardian of the public purse, and with characteristic tenacity of purpose he urged the carrying into effect of their other economical recommendations. In March 1835 he was assured by the Chancellor of the Exchequer that on the appointment of the then Speaker—James Abercromby, who a few weeks before had succeeded Manners-Sutton in the Chair—the report of the Select Committee was referred to him, and as he approved of their suggestions, "as being both advantageous to the Speaker and economical to the public," the Government intended to carry them into effect.<sup>2</sup>

Next year, accordingly, there appeared in the Estimates submitted in Committee of Supply two items of £6000 "to provide a service of plate," and £1000 "allowance for outfit," with the note: "The service of plate to be permanently appropriated to the office of Speaker."<sup>3</sup> Thus was provided the plate now in use at the Speaker's official residence.

In 1907 some of the silver plate which belonged to Sir Thomas Hanmer, one of the Speakers of the reign of Queen Anne, came into the market and was sold in London by public auction. Though he was a man of considerable wealth and great property, and filled the office of Speaker only for twelve months, Hanmer took the official service of plate with

<sup>1</sup> 4 & 5 Will. iv. c. 70.

<sup>2</sup> *Parliamentary Debates* (3rd series), vol. 26, p. 603.

<sup>3</sup> Estimates for 1836.

him on his retirement. The lots constituting "The Speaker's Plate" which came under the hammer, and the prices obtained for them, were as follows:—

A pair of Queen Anne ice-pails, chased with bands of drapery, festoons, tassels, rosettes, ribbons, and foliage, each engraved with the royal arms, 9¼ in. high, by Lewis Mettayer, 1713, 235 oz. 7 dwt., at 80s. per oz.—£941, 8s.; a Queen Anne large circular dish, the centre engraved with the royal arms, the border chased with shells, foliage, and strapwork, 26½ in. diameter, by Lewis Mettayer, 1713, 236 oz., at 82s. per oz.—£967, 12s.; a Queen Anne plain octagonal caster, engraved with the royal arms, garter motto, crown and cipher of Queen Anne, 8½ in. high, by Thomas Farren, 1713, 13 oz. 12 dwt., at 115s. per oz.—£78, 4s.; another, similar, 7 in. high, by the same, 1713, 8 oz. 9 dwt., at 160s. per oz.—£67, 12s.; four table-candlesticks, chased with lions' masks and ribbons, on circular plinths, engraved with the royal arms, crown, and ciphers of Queen Anne and George I., 9 in. high, by Lewis Mettayer, 1714, 107 oz. 11 dwt., at 60s. per oz.—£322, 13s.; three Queen Anne table-candlesticks, similar, engraved with the crest of Sir Thomas Hanmer, 9 in. high, by David Willaume, 1713, 86 oz. 6 dwt., at 35s. per oz.—£151, 0s. 6d.; and twelve Queen Anne three-pronged silver-gilt dessert forks, engraved with the crest of Sir Thomas Hanmer, by David Willaume, 1713, 16¾ oz., at 80s. per oz.—£67.<sup>1</sup>

Chairs of the House of Commons, as well as the official plate of Speakers, are to be found scattered in English country houses, and even so far off as the Antipodes. Dean Pellew, in his biography of Lord Sidmouth (Henry Addington), relates that in the dining-room of White Lodge, Richmond Park—a house assigned to Sidmouth by George III. in appreciation of his services to the Crown—there were "two old and bulky arm-chairs standing guards, one at each side of the fire-place: they were chiefly remarkable for their lumbering size and gaunt, inconvenient form," and that visitors always were curious as to their history. They were

<sup>1</sup> *The Times*, July 5, 1907.

Chairs of the House of Commons in which Sidmouth had sat as Speaker. It appears that he originally possessed three of these Chairs, having presided over the House of Commons in three consecutive Parliaments, but one had disappeared, and the mystery of its fate was never solved.<sup>1</sup> To Arthur Onslow five Chairs should have fallen in the course of his tenure of the Speakership, from 1728 to 1761. But it is a curious circumstance that none of those Chairs is to be found at Clandon Park, Surrey,—the seat of his descendants, the Earls of Onslow,—nor has the family any record of them.<sup>2</sup> Probably the Speaker had the alternative of taking a money allowance instead of the Chair.

But this perquisite was abolished in the thirties of the nineteenth century. The last Speaker to carry off the Chair as well as the official plate was Manners-Sutton, who, having been Speaker in seven Parliaments, from 1817 to 1834, had as many as seven Chairs and seven services of silver all to himself. The last Chair of his term of office—it was the one provided after the destruction of the Houses of Parliament by fire in 1834—had a curious history. It was brought out to Melbourne by his son, who was Governor of Victoria, and presented by him to the Legislative Assembly of that colony, whose Speakers sat in it for years. The story of the Chair was either forgotten or failed to appeal to the Members of that Assembly, for in the course of time they replaced it with a chair more in accordance with their tastes. The Chair occupied by the Speaker of the first reformed English House of Commons was subsequently found, neglected and decayed, in one of the lumber rooms. Now, however, it is in use—with a suitably inscribed brass plate—in the Commonwealth Parliament House.

The grant of £1000 for equipment is still given to the Speaker on his first appointment. Lord Colchester (Charles Abbot) states in his *Diary* that he paid his predecessor in the Chair, Sir John Mitford, £1060 for the State Coach which was built in 1701, more than a century before. Mr.

<sup>1</sup> Pellew, *Life of Lord Sidmouth*, vol. 1, p. 68.

<sup>2</sup> Graham, *The Mother of Parliaments*, 132.

Speaker Peel rode in this great lumbering equipage to Buckingham Palace—its last public appearance, when it was dragged by a couple of huge brewer's dray horses—to present to Queen Victoria the address of the Commons on her Golden Jubilee in 1897. Abbot further states that he also paid Mitford £1000 for wine, and £500 for house furniture.<sup>1</sup> This passing on of chattels and effects from one Speaker to another, for a consideration, has probably been always in vogue. Sir Thomas Hanmer had a letter from his predecessor in the Chair, William Bromley, dated September 22, 1713, in which, after asking him to reappoint Dr. Pelling as Chaplain, the writer says: "You'll smile at the transition from a chaplain to coach-horses. I have a pair that drew my great coach, and believe you cannot be better fitted, and I offer them to you before I dispose of them; one specially is a very fine horse of better than sixteen hands high. You shall have him, or them, on reasonable terms."<sup>2</sup>

It will thus be seen that formerly the Speaker needed a large sum for his equipment, though he got his money back, probably with interest, on his retirement from his successor.

In these days, among the things with which the Speaker has to provide himself, apart from the familiar black silk gown and horse-hair wig, in which he appears in the House of Commons, is the state robe of his office, which is worn only on a few great ceremonial occasions outside Parliament. It is a long loose garment with train, made of black satin damask, richly embroidered in gold, and with tucks and ruffles of the finest lace. It costs about £150. A similar robe is also worn as a dress of state or dignity by the Lord Chancellor, the Chancellor of the Exchequer, the Master of the Rolls, and the Lord Justices of Appeal. The full-bottomed wig which the Speaker wears is made of white horse-hair, and costs twelve guineas. The Speaker also provides himself with a three-corner hat of beaver, which he

<sup>1</sup> *Diary and Correspondence of Lord Colchester*, vol. 1, p. 285.

<sup>2</sup> *The Correspondence of Sir Thomas Hanmer* (edited by Sir Henry Bunbury), 149-50.

carries folded in his hand as he enters the House to take the Chair, but which is never seen on his head. The only use which he seems to make of the hat is that of a pointer when he counts the House to see if the required quorum of forty Members are present.

It is clear, however, from the prints of the House of Commons in the eighteenth century, that it was formerly the custom for the Speaker when in the Chair to wear the hat over his big wig, not abaft the head as the three-corner hat is worn by State grandees and military and naval officers, but athwart or across the head. It is thus worn also by the Lord Chancellor in the House of Lords on ceremonial occasions, when he raises it in acknowledgment of the bows of the Speaker standing at the Bar with the Commons at the opening and close of a session. No one now enters the House of Commons, or appears at its Bar, to whom the Speaker need lift his hat. But it was not always so. On the occasion of the delivery of a message from the Lords to the Commons, in the reign of James I., Mr. Speaker Richardson was told by a Member of the House that he was too courteous, that he should not remove his hat till "the third congé," or the third salute of the messengers. In these days Black Rod comes frequently during a session with a message from the Lords to the Commons, and as he walks from the Bar to the Table to deliver it he makes, as of old, three obeisances to Mr. Speaker, but the Speaker does not lift his hat even at "the third congé"; for it is not on his head, but is laid folded on the wide arm of the Chair at his elbow. Probably the Speaker discontinued the wearing of the three-corner hat a-top his wig what time bowing and scraping came to an end in the House of Commons.

Of the many ancient perquisites of the Speaker only two now survive. A buck and a doe killed in the royal preserves at Windsor are annually sent to him, and the Clothworkers' Company of London present him at Christmas with a generous width of the best broadcloth. But one curious privilege the Speaker possesses, which he enjoys

exclusively with Royalty. That is, to ride or drive through the Archway of the Horse Guards between Whitehall and the Mall. The privilege is perhaps without any practical value, now that there is access to the Mall to the general public riding or driving to or from the Palace of Westminster by Storey's Gate of St. James's Park, and by the Arch at Trafalgar Square. But when the privilege was first granted to the Speaker early in the eighteenth century it would seem as if the Mall could only be reached from Westminster by the roundabout way of Piccadilly and Constitution Hill. At any rate, an incident occurred in 1831 which shows the convenience of the privilege at that time, and how narrowly it was restricted.

The newspapers of the time gave sensational prominence to accounts of how Lord Chancellor Brougham forced his carriage through the Horse Guards, despite the efforts of the King's Guard to stop him. The matter was brought before the House of Lords on March 17, 1831, by the Marquis of Londonderry, and statements were made by the Commander-in-Chief and Brougham. A Drawing-room was held that day in St. James's Palace, and Brougham, who had been delayed by the protracted hearing of a lawsuit in the House of Lords, directed his coachman not to drive to the Palace by Piccadilly and Constitution Hill, but to go the short and direct way through the Horse Guards. The carriage got into the yard fronting the Archway on the Whitehall side before it could be stopped by the soldiers on duty. Brougham explained that he was the Lord Chancellor, on his way to the Drawing-room. This, however, availed him not. He was told by the officer of the Guard that no one but the Speaker of the House of Commons was allowed to pass through, except Lord Shaftesbury, the Chairman of Committee in the House of Lords, who had obtained special leave for that day only. Brougham then said, "We must go back," and the sentinel let go his hold of the reins. But instead of turning back the coachman whipped his horses and drove the carriage through the Arch, scattering the soldiers right and left. Brougham declared in the House of Lords that



the coachman misunderstood his directions, and that for his part he was never more astonished in his life than when he found himself through the Arch and on his way to the Mall.<sup>1</sup> He confessed to Creevey, however, that when he heard that his "own man," his "actual bootjack," Lord Shaftesbury, had the entrée, it was more than flesh and blood could bear.<sup>2</sup>

The Speaker receives a pension of £4000 a year. No retiring allowance was paid until the eighteenth century was more than half-way through. The first Speaker upon whom a pension was bestowed was Arthur Onslow. When he resigned in 1761, after a long and brilliant service of thirty-three years, George III., in replying to the address of the Commons praying him to confer on Onslow "some signal mark of honour," allowed the ex-Speaker a pension of £3000 during his life and that of his son, George Onslow. But no peerage was given to Onslow. The earldom of the family was conferred on the ex-Speaker's son. A peerage as well as a pension was first bestowed on Charles Abbot, who on retiring in 1817 was made Baron Colchester. It is true that his predecessors in the nineteenth century had also been raised to the peerage, but they got their titles for services other than those rendered in the Chair. The Viscounty of Sidmouth was not conferred upon Addington in 1801 when he stepped down from the Speaker's Chair to become Prime Minister. He received his title in 1805. The barony of Redesdale was bestowed upon Mitford not as ex-Speaker, but as Lord Chancellor of Ireland.

The rank of the peerage to which the Speaker is now raised on his retirement is that of a Viscount. Speaker Abbot, as I have said, was made a Baron, the lowest order of nobility. But Speaker Manners-Sutton, on his compulsory retirement in 1835, was made Viscount Canterbury; while his successor, Speaker Abercromby, was in 1839 rewarded only with a barony,—that of Dunfermline. This, however, was the last barony granted to a retiring Speaker. On the

<sup>1</sup> *Parliamentary Debates* (3rd series), vol. 3, pp. 490-4.

<sup>2</sup> *Creevey Papers*, vol. 2, p. 222.

resignation of Shaw-Lefevre in March 1857, Palmerston, who was then Prime Minister, sent the following letter to Queen Victoria :—

“Viscount Palmerston begs to state that the Speaker has chosen the title of Eversley, the name of a small place near his residence in Hampshire, all the large towns in the county having already been adopted as titles for Peers. The ordinary course would be that Your Majesty should make him a Baron, and that is the course which was followed in the cases of Mr. Abbot made Lord Colchester, and Mr. Abercromby made Lord Dunfermline; but in the case of Mr. Manners-Sutton a different course was pursued, and he was made Viscount Canterbury. The present Speaker is very anxious that his services, which, in fact, have been more meritorious and useful than those of Mr. Manners-Sutton, should not appear to be considered by Your Majesty as less deserving of Your Majesty’s Royal favour; and as the present Speaker may justly be said to have been the best who ever filled the Chair, Viscount Palmerston would beg to submit for Your Majesty’s gracious approval that he may be created Viscount Eversley. It will be well, at the same time, if Your Majesty should sanction this arrangement, that a record should be entered at the Home Office stating that this act of grace and favour of Your Majesty, being founded on the peculiar circumstances of the case, is not to be deemed a precedent for the cases of future Speakers.”<sup>1</sup>

Nevertheless, a Viscountcy is the rank of peerage which has since been conferred upon all retiring Speakers. It was not much of a distinction for the First of the Commons to be made merely the last of the peers. Another honour which the Speaker enjoys is that of trustee of the British Museum. This, however, is received not on retirement, but on election. Appointment to the Speakership carries with it a seat at the Museum’s board of trustees.

In addition to the pension of £4000 a year to the ex-Speaker, there was formerly granted a reversion of £3000 a year to the next male heir to the title. The last Speaker whose heir received the reversion was Manners-Sutton.

<sup>1</sup> *Queen Victoria’s Letters*, vol. 3, p. 292.

Denison, who retired after fifteen years' service on February 7, 1872, declined the pension. "Though without any pretensions to wealth," he wrote to Gladstone, the Prime Minister, "I have a private fortune which will suffice, and for the few years that remain to me I should be happier in feeling that I am not a burden to my fellow-countrymen." He was created Viscount Ossington, and died without issue on March 7, 1873.

## CHAPTER XIII

## SPEAKER'S HOUSE

**H**ENRY ADDINGTON, on his election to the Chair in 1789, not only had his salary raised from £3000 to £6000 a year, but he was the first Speaker to be given an official residence within the Palace of Westminster. Apartments were first appropriated to the use of the Speaker by warrant of George III. in 1790.

Speaker's House then adjoined, as now, the House of Commons. We get an interesting glimpse of it with its gardens by the Thames in Thomas Moore's *Diary*, under date May 19, 1829, the day that Daniel O'Connell made his notable appearance at the Bar of the House to claim the seat for Clare which was denied him as a Roman Catholic:—

"Went to the House of Commons early, having begged Mr. Speaker yesterday to put me on the list for under the gallery. An immense crowd in the lobby, Irish agitators, etc.; got impatient and went round to Mr. Speaker, who sent the trainbearer to accompany me to the lobby, and after some little difficulty I got in. The House enormously full. O'Connell's speech good and judicious. Sent for by Mrs. Manners-Sutton at seven o'clock to have some dinner; none but herself and daughters, Mr. Lockwood, and Mr. Sutton. Amused to see her in all her state, the same hearty, lively Irish woman still. Walked with her in the garden; the moonlight on the river, the boats gliding along it, the towers of Lambeth rising on the opposite bank, the lights of

Westminster Bridge gleaming on the left; and then, when one turned round to the House, that beautiful Gothic structure, illuminated from within, and at that moment containing within it the council of the nation—all was most picturesque and striking.”<sup>1</sup>

The Speaker then gave his official dinners in the crypt under the old House of Commons, now the beautiful crypt chapel beneath St. Stephen's Hall. Before the Reformation the old Chamber was a chapel, called after St. Stephen, in which the Mass was regularly celebrated; and it was Edward VI. who, about the year 1547, gave the chapel to the Commons, whose meeting place had previously been the Chapter House of Westminster Abbey. Under the chapel was a beautiful crypt, anciently styled St. Mary-in-the-Vaults, which after the Reformation was first used as a lumber room, then as a coal-cellar, and when Addington took up his abode in the Palace it was an appendage of the kitchen. Addington had the crypt transformed from a scullery into a dining-room, for the entertainment of the representatives of the people at those rude and heavy meals which were the vogue in his time.

The Speaker's House is, of course, a part of the Palace of Westminster, which is vested in the Crown; and as such is lent by the King to the House of Commons for the accommodation of its Speaker. From the time when the Speaker began to reside within the Palace it was the custom, on the dissolution of Parliament, for the Speaker to ask at a private audience of the Sovereign the royal permission to occupy the Speaker's House until the assembling of the new House of Commons and the new election to the Chair. In 1831, Manners-Sutton was informed that the King, William IV., intended to occupy the Speaker's House “as part of his Royal Palace of Westminster” for two days before his coronation in Westminster Abbey, and accordingly the Speaker had for a time to obtain lodging elsewhere.<sup>2</sup>

<sup>1</sup> Moore, *Diary*, vol. 6, p. 32.

<sup>2</sup> Report of the Select Committee on the Losses of the late Speaker by the Fire (1837), 3, 4. *Parliamentary Debates* (3rd series), vol. 26, p. 20.



THE SPEAKER'S HOUSE, STAIRCASE

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Manners-Sutton reported to King William, after the fire of 1834, the damage which had been done by the conflagration to the Speaker's House, which with His Majesty's gracious permission he inhabited. And arising out of the sleeping of the King in the State bedroom of the Speaker's House, the night before his Coronation in 1831, a curious claim was made by Manners-Sutton which was the subject of considerable public interest at the time, and incidentally throws additional light on the strange perquisites which even great officials of the State were not above receiving. Among the duties of the Lord Great Chamberlain was that of undressing the King the night before his Coronation and dressing him in the morning. For this service all the furniture of the chamber in which the King slept, including the night apparel of the Sovereign and the silver basin in which he washed, became by immemorial usage the property of the Lord Great Chamberlain. In 1831, Lord Gwyder, who was deputy Lord Great Chamberlain, accordingly laid claim to the effects in the State bedroom of the Speaker's House. His title to them having been allowed by the Board of Claims, which sat for the settlement of disputed accounts arising out of the Coronation of William IV., he took possession of eight tapestry chairs, two tapestry sofas, and two tapestry screens.

This furniture was the property not of the Speaker, but of the State, but it was bought back from Lord Gwyder by Manners-Sutton, and the latter, in making a claim on the Crown for £5000 compensation for loss and damage sustained by the fire of 1834, offered to let the State have it back again—for it had escaped destruction—for 500 guineas. In 1837 the Commons appointed a Select Committee to investigate this claim, and similar claims for compensation made by other officials of the House, and in the course of the proceedings an independent valuer, commissioned by the Commons, valued the bedroom furniture at £480, a sum which Manners-Sutton, or Lord Canterbury as he then was, agreed to accept. The Treasury, however, before sanctioning the bargain, asked for Lord Gwyder's

receipt for the sum which Manners-Sutton paid in redemption of his claim on the furniture. To this Lord Canterbury replied: "As to the transfer to me by Lord Gwyder of these articles, amongst others to which his Lordship became entitled after the Coronation, I have the paper signed by Mr. Fellowes, as the Great Chamberlain's secretary, and I have no doubt an entry of it will be found amongst the Great Chamberlain's Coronation papers." Then the Treasury decided that no effects should be purchased for the Speaker's House until it was decided in what manner the new official residence was to be furnished, and Lord Canterbury, greatly to his annoyance, had the bedroom tapestries left upon his hands.<sup>1</sup>

The claim of Lord Canterbury for compensation in respect of his furniture, books, prints, plate, and other effects destroyed by the fire was also disputed by the Crown. The ex-Speaker took no action to enforce this claim until 1842, when the Tories were in office. In that year he presented a Petition of Right to Queen Victoria, alleging that as his losses had arisen in a Royal Palace from the negligence of servants of the Crown, he was entitled to compensation from the Crown. The fire, it should be explained, was caused by workmen, employed in the Palace of Westminster by the Commissioners of Woods and Forests, overcharging the flues for heating the building by stuffing into them a large quantity of old wooden tallies that had been discarded by the Exchequer. The Queen gave the answer to the petition, "Let right be done." Canterbury's claim was for £10,000,—furniture and plate, £7000; and other property, £3000. The case was argued before Lord Chancellor Lyndhurst by very able and distinguished lawyers, and was opposed by the Attorney-General on behalf of the Government. The judgment of Lyndhurst was that the claim was unsustainable, as the Crown could not be held liable for the negligence of its agents. "The wonder is," writes Lord Campbell, himself an ex-Lord Chancellor, "that men of eminence at

<sup>1</sup> *Appendix* of the Report of the Select Committee on the Losses of the late Speaker by the Fire (1837).



the Bar should have ever advised a proceeding so preposterous and hopeless." <sup>1</sup>

After the fire of 1834 a temporary residence was provided for the Speaker in Eaton Square. The new Speaker's House is that conspicuous wing of the Palace of Westminster, with its carved stonework and Gothic windows, extending from the Clock Tower to the river, close to Westminster Bridge and along a part of the Terrace. It was first occupied by John Evelyn Denison in 1857. Entrance to it is obtained from a quiet spacious courtyard off New Palace Yard. A beautiful staircase, with wide red-carpeted steps and brass balustrade and lamps, leads to the reception-rooms,—the red drawing-room, the blue drawing-room, and the dining-room—which are furnished elegantly if not ornately by the State. There are fine carvings in oak and stone, decorated ceilings, lofty mirrors, hangings of the richest silk, luxurious couches, glistening cabinets inlaid with precious woods, but most valuable and interesting of all the possessions of the Speaker's House is its collection of portraits of occupants of the Chair. The galleries which go round three sides of the house are lit with stained-glass windows, emblazoned with the coats-of-arms of all the Speakers. As a connecting link between the Speaker's House and the House of Commons is the library, overlooking the Terrace, where the Speaker, while the House is in Committee, may be seen by Ministers as to the course of public business, or by private Members on points of order or procedure. On the writing-table are three or four slim, well-worn little volumes. They are always at the Speaker's elbow, for they embody the rulings of the Chair for the past sixty years.

From the great windows of the reception-rooms there are fine views of the ever-changing life and animation of the river, the solid and ancient permanency of the grey towers of Lambeth Palace on the other side, and far beyond them may be seen, when the day is clear and sunny, the wooded slopes of the Surrey Hills.

<sup>1</sup> Campbell, *Lives of the Lord Chancellors*, vol. 8, pp. 135-8.

## CHAPTER XIV

## MR. SPEAKER AS HOST

THE Speaker has social functions to discharge as well as parliamentary. He gives several official entertainments. There are two full-dress levees and seven full-dress dinners during the Parliamentary Session. To the first dinner all the Ministers, or Members of the Government, sitting in the House of Commons are invited. At the second the leading Members of the Opposition are entertained. To the third are bidden Privy Councillors and Members of former Administrations who were not included in the guests at one or other of the former dinners. Then there are three of those dinners to private Members, at each of which there is an amicably mixed attendance of Ministerialists and Opposition; and finally, the officials of the House of Commons dine with the Speaker.

The levees are socially noteworthy. They are important events in fashionable society; for Peers and foreign Ambassadors and Ministers and others are invited, as well as M.P.s and their ladies. As the invitation list is a long one, there is usually a crush at these receptions. The scene presented in the drawing-rooms of the Speaker's House is brilliant indeed—the rich uniforms and gold-embroidered dress of the gentlemen vying in colour with the varied tints of the ladies' gowns.

Attendance at a full-dress levee, by a private or back-bench Member of Parliament, is followed by an invitation to one of the three official banquets given to the rank and file of the representatives of the people. To dine with Mr. Speaker is by no means an ordinary function. It is a great social distinction. Indeed, the invitation is supposed to carry with it something of the command with which the subject is bidden by the King to attend a royal function, in which case death or possibly a serious illness is the only excuse for absence.

By immutable regulations, as well as long-established custom, the guests are required to come either in uniform or Court dress. Privy Councillors wear their dark blue uniforms with lavish decorations of gold lace. Other Ministers are in the Windsor uniform with red collar and cuffs. Private Members of the House of Commons are in levee dress. The host himself is a dignified and picturesque figure attired in a black velvet Court suit, knee-breeches with silk stockings, a sword by his side, and lace ruffles adorning his cuffs and the front of his shirt.

The State dining-room is a long narrow apartment, with fine oak carvings and painted ceiling. It is hung with a stately array of portraits of past Speakers, the place of honour over the mantelpiece being given to Charles Shaw-Lefevre (Lord Eversley), who is regarded as one of the greatest Speakers of the nineteenth century. The table, at which forty guests can be comfortably seated, is a glitter of silver and glass and graceful candelabra and banks of exquisite flowers, and the courses and wines are served by gorgeous flunkeys in bright livery and shoulder knots. Grace is said by the Speaker's Chaplain. There are no speeches. Only one toast is proposed, that of "The King," which is given by the Speaker without remark. The dinners are intended principally to bring Members together, not for the interchange of political views but for the free and easy flow of light conversation and jest, and though the board is environed by many Speakers, standing out from the canvas wigged and gowned, with dignified and solemn aspect, the geniality of the host—who lays aside his terrors with his Speaker's robes—puts the diners in the happiest vein, and the chatter and laughter are delightfully incessant.

The rule which debarb ordinary evening attire at these functions and makes uniform or Court dress indispensable, is rigidly enforced, with the result that some eminent Parliamentarians, such as William Cobbett, Joseph Hume, Richard Cobden, and John Bright—all of whom objected to wear Court dress—never had the pleasure of sitting at table with Mr. Speaker. On the occasion of the re-election

of John Evelyn Denison to the Chair, in 1866, Bright protested in the House of Commons against this restrictive sumptuary regulation. The custom, he thought, was a little out of date, especially among the Members of a popular assembly. Moreover, it was expensive. He remembered an hon. Member who held the rank of Colonel in the Army complaining that it had taken fifty guineas "to put him inside a suitable dress in which to appear at the Speaker's table." "If," he continued, "there be any country gentleman who likes to appear in decorated apparel, or if there be any homely manufacturer from the North who is gratified by figuring in the blazing garments of a deputy lieutenant, I do not object in the least. I should like every man to please himself in the matter. But if there are some of us, as is the case with myself, and I believe many more who would like to make their appearance in a quiet costume, with less that is gorgeous and astounding about them, why should not their taste be gratified also?" Cobden during his twenty-four years in the House of Commons, from 1841 to 1865—as Bright mentioned in this speech—felt constrained for the same reason to refuse the Speaker's invitation to dinner.<sup>1</sup>

The only departure from this sartorial rule was made by Mr. Speaker Peel. As it operates most hardly on working-class representatives, whom it is difficult to conceive in Court dress or uniform, Mr. Peel, during one session of the short Liberal Parliament of 1893-5, made a graceful and happy innovation on this ancient custom, by inviting the twelve Labour Members then in the House to dine with him. It was not on one of the formal occasions when private Members take their turn to dine with Mr. Speaker, but on a pleasant evening off, and for this separate dinner party there was no restriction whatever as to dress; although, to avoid the appearance of invidiousness, the Speaker tactfully included in the company several of his private friends. The experiment, by all accounts, proved highly successful. There were no speeches, of course, but William Abraham, the miner representative of Rhondda Valley, sang in Welsh

<sup>1</sup> *Parliamentary Debates* (3rd series), vol. 181, p. 10.

"The March of the Men of Harlech," with fine effect. It would be interesting to know the reflections of those solemn Speakers of the long past on the strange scene upon which they looked down from their gilt-framed elevation above the festive board. How did the grim Francis Rous, Speaker of the "Praise-God Barebone's Parliament," in the Commonwealth period, appreciate the ringing chorus of the Welsh national song? Above all, what did the proud and haughty cavalier Sir Edward Seymour, of the gay days of Charles II., think of those knights of the shire and citizens and burgesses who came, not from the squire's hall or the town mansion of the merchant, but from the factory and coal mine, to sit in the House of Commons and help to make the laws of the land!

This precedent, at least, has not been followed at Westminster. Shortly after the assembling of the famous Liberal and democratic Parliament of 1906 a memorial, signed by sixty-four Ministerialists, was presented to Mr. Speaker Lowther requesting that they might be allowed to wear ordinary dress at his levees. They stated that they had every desire to pay their respects to the Speaker and to show their deference to his high office, but that they objected to the observance of the custom of wearing Court dress. In his reply to the memorial, the Speaker said: "While regretting that I am unable to accede to the request, I shall hope to find some opportunity, as the session advances, of meeting those who signed the letter other than on the formal and official occasions of a levee." Since then the Labour Members are entertained at luncheon by the Speaker.

To his first sessional dinner to Members of the Government the Speaker always invites the proposer and seconder of the Address of the House of Commons in reply to the Speech from the Throne. Charles Fenwick, the trade union organizer, who represented for many years the Wansbeck division of Northumberland, seconded the Address at the opening of the new Liberal Parliament in 1910. Though it is time-honoured etiquette to appear in uniform or

Court dress on such occasions, he wore ordinary attire; but he was unable to accept the Speaker's invitation to dinner, as in that case no evasion of the rule with respect to costume is allowed.

The Irish Nationalist Party have also declined to attend those parliamentary functions at the Speaker's House since 1880; but not, however, on account of the obligation to wear uniform or Court dress. Previous to the General Election of 1880, at which the Nationalist Party, under the leadership of Charles Stewart Parnell, was first constituted, the Irish Home Rule Members observed the immemorial usage of attending the Speaker's levees. Even Joseph Gillies Biggar, who invented Obstruction and by his tactics of impeding the progress of public business in the later seventies led to a complete revolution of the procedure of the House of Commons, was present at one at least of Mr. Speaker Brand's levees in full dress. He used to tell the story of the incident with great gusto and self-satisfaction. He hired the Court dress and sword for two guineas, which was an enormous expenditure to one of his frugal disposition, and, determining to spend as little more as possible on his pleasure, he used the tramcar to bring him from his humble lodgings at Clapham to Westminster Bridge Road, and walked over the bridge to the Speaker's House, always a quaint and original figure,—made ungainly by a malformation of his right shoulder,—but savouring of the ludicrous in black velvet cutaway coat and smalls, and silk stockings and lace ruffles. However, in the session of 1881 it happened that most of the Nationalist Members were suspended by Mr. Speaker Brand for wilful obstruction and defying the authority of the Chair, and ever since the Party have abstained from attendance at the Speaker's levees.

The Speaker's wife not only assists at all these functions, but has special social duties of her own to discharge. She has the disposal of the seats in the Speaker's Gallery, a small and reserved section of the gallery for the accommodation of ladies. The trials that accompany the exercise of this patronage is thus described in an appreciation of



THE SPEAKER'S HOUSE, DINING-ROOM





Lady Selby (Mrs. Gully) which appeared in *The Times*: "No woman has more steadily arduous patronage to exercise than the Speaker's wife in her gallery. She may enter into that darkened room and view the grille, and think with premature exultation that, in there at least, she is mistress of all she surveys; but the millstone of recurring sessions will soon grind any premature self-satisfaction into an early revelation of the frailties of human nature. Some dozen desirable chairs, and some dozen not so desirable, are what her hand has to give daily, and for those four-and-twenty sittings a large world enters into competition. Justice tempered by mercy, Party claims and minority representation: the individual who asks at the eleventh hour, and believes it impossible no seat can be left for her; the other, who can only hear if she sees, and therefore perceives not that this is no special claim for the best place; the one who comes to rustle and talk, and to depart in half an hour, but who has failed to inform that her request is only for a given period; the Royalty or the Embassy that at the last minute prefers a request not to be refused; the wife who has eyes and knowledge for only one in the motley herd below the grille, who still takes up one of the few seats, but whose gentle emotions must not be crushed,—unending, unstable, unreasonable, and imperative, it needs the heads of all the departments put into one to be the Speaker's wife."<sup>1</sup>

## CHAPTER XV

## THE SPEAKER'S LEAVE-TAKING

THE Speaker retains the Chair as long as he feels physically and mentally fit to discharge its duties and bear its responsibilities. When he decides to retire he announces his decision to the House personally. If the Chair becomes vacant by the protracted illness or the death of the Speaker, the Clerk informs the House of the

<sup>1</sup> *The Times*, November 21, 1906.

fact by reading the Speaker's letter of resignation or announcing his death, and the House is immediately adjourned on the motion of a Minister of the Crown till the leave of the King is obtained for the election of another Speaker. But the occasion of the announcement of his retirement by the Speaker himself attracts a crowded and deeply interested House. Then, when he has stated the cause which compels him to say good-bye to the House, he usually leaves the Chair, and business proceeds for the rest of the sitting under the presidency of the Deputy Speaker.

Next day the Speaker takes the Chair again, and hears with pride and satisfaction—not unmixed with the sorrow that attends occasions of parting for all time—the eulogistic terms in which the Leader of the House and the Leader of the Opposition vie with each other in felicitously extolling his merits and expressing their regrets for the loss which the Chamber is about to endure, while moving the customary vote of thanks for his valuable services, and asking the Sovereign to confer upon him “a signal mark” of royal favour. His personal qualities are enlarged upon, and his achievements in the Chair are quoted as incontestable proofs of his greatness as Speaker, and are loudly applauded on all sides as being to the purpose and full of point.

Thus the grateful House unites in paying him the last homage. He is assured, in the common form of panegyric adopted on those occasions, that the House “fully appreciates the zeal and ability with which he has discharged his duties,” and entertains the strongest sense not only “of the firmness and dignity with which he has maintained its privileges,” but also of “the urbanity and kindness which have uniformly marked his conduct in the Chair, and which have secured for him the esteem and gratitude of every Member of the House.” Every one feels, for the moment, that the retiring Speaker is irreplaceable. As time goes on it will, happily, be found that his successor invariably turns out to be equally good, if not better. But as he quits the Chair for the last time Members on both

sides of the Chamber rise and salute him, in farewell, as the greatest of Speakers.

Thus the Speaker goes out on the full and flowing tide of honour, with a wreath of laurel on his brow. What a different ending to that of the great head of the State, the Prime Minister, who too often terminates his career of splendid public service, defeated and overthrown, baffled, perhaps, in the realization of his most cherished political hopes, like a vanquished general in warfare obliged to surrender his sword for ever!

The resignation of the Speaker involves his immediate parting from the House of Commons, for he is at once raised to the peerage; and this, of course, renders his seat vacant. The last Speaker who, on quitting the Chair, continued to sit in the House of Commons was Henry Addington. He succeeded Pitt as Prime Minister in 1801. He gave place to Pitt in June 1804. Yet he continued in the House of Commons as a private Member. He regarded his position as unsatisfactory, not because he was an ex-Speaker, but because he was an ex-Premier without a post in the new Administration. In a letter to Pitt dated December 28, 1804, he said his continuance in the House "without being connected with the Government is open to strong and most serious objection." In 1805 he was created a peer.<sup>1</sup> Since then every Speaker on resigning the Chair says good-bye to the House of Commons. Though he goes out with all the honours, the occasion has the inevitable sadness which attends the end of all human things that has the element of glory or happiness. For the last time the Speaker's eyes sweep the Chamber, not for the purpose of calling on a Member, but to take in a parting impression of the great scene. He steps down from the Chair for the last time. Ah! that the first time he ascended it and was acclaimed Speaker could be recalled!

The ex-Speaker, then, goes to the House of Lords as a Viscount—the signal mark of the Sovereign's favour—with a pension of £4000 a year. But he is Speaker no longer;

<sup>1</sup> Pellew, *Life of Lord Sidmouth*, vol. 1, p. 336.

another presides in his place; and what a shadowy personage he seems, even as a peer, compared with the resounding fame and distinction that were his in the glorious years when he filled with pomp and dignity the Chair of the House of Commons! Still, there are compensations. In the first place, he has time for sleep. The ordinary lot of the peers is set forth in a letter of 1872 from the then Lord Salisbury to Roundell Palmer, newly created Lord Chancellor Selborne. "Whether I can safely congratulate you on coming to the House of Lords I much doubt," wrote Lord Salisbury, whose own memories of a livelier other place were still fresh. "But there are consolations," he added, "even in this case. When I was condoling with the late Speaker upon his elevation to the peerage, he replied: 'At least it is a place from which one can get to bed.' And there is much that is consoling in that thought."<sup>1</sup>

Moreover, there remains to the ex-Speaker the happy thought expressed by Horace, which consoles for the transitoriness of human honours—

"Not Heaven itself o'er the past hath power,  
For what has been, has been, and I have had my hour."

## CHAPTER XVI

### THE SEPARATION OF THE HOUSES

SUCH, then, is the Speakership of the House of Commons, its position, powers, and dignity. How did it come to be established, and when? What originally was its aim and object? These are questions that cannot be answered positively. But it was not a splendid constitutional invention that sprang full blown from the brain of a statesman of creative genius, who had in view the restriction of royal prerogative, and the expansion of popular liberties, the two democratic ideals which have been associated longest

<sup>1</sup> Selborne, *Personal and Political Memorials*, vol. 2, p. 290.

with the Chair of the House of Commons. To assign the work of its creation to any series of minds even, is impossible. Those who laid the foundations, ancient and deep, upon which the office has been erected, did so perhaps unwittingly, and, at any rate, were far from being concerned with such noble and lofty abstractions as freedom and independence. It was the result rather of a series of happy accidents than of definite scheme or design. Nor was it developed during any one epoch. Slowly have its powers and duties been evolved through the centuries, being added to or taken away according as the chances or the needs of the time might happen to suggest.

There is even a doubt as to who was really the first of the Speakers. In the list of Speakers which is commonly accepted by historians, the premier place is given to Sir Thomas Hungerford. The *Rolls of Parliament*, the first of the official records, commence with the sixth Parliament of Edward I. in 1278. But close on a hundred years pass away before there is any mention of a Speaker in the *Rolls*. In the account of the last Parliament of Edward III., which met in January 1377, the Speaker is referred to for the first time, and the distinction certainly belongs to Sir Thomas Hungerford.<sup>1</sup> Yet in the immediately preceding Parliament, which sat in 1376, Sir Peter de la Mare was undoubtedly chosen by the Commons to be their spokesman or president. He is not expressly described as Speaker, or rather "Prolocutor" or "Parlour"—the form of the title which was first employed—in the *Rolls of Parliament*. But so far as can be gathered from other records he was the first to fill a position in the House of Commons indistinguishable from that of a Speaker, according to the first crude idea of the office.<sup>2</sup>

It is often true that the origin of an ancient custom antedates—in the absence of full, clear, and explicit documentary evidence—any individual whose name is first associated with it in the Records. Indeed, the compilers of the index to the *Rolls of Parliament* (published in 1832

<sup>1</sup> *Rot. Parl.*, vol. 2, p. 374.

<sup>2</sup> *Rot. Parl.*, vol. 2, pp. 322-29.

by order of the House of Lords) give, in the list of names that follow the heading "Speakers," the first place to "William Trussel." It so happens that in the parliamentary annals of the first half of the fourteenth century two persons of that name figure as spokesmen of the Commons. In January 1327, William Trussell—the name in this instance is spelt with two "ls"—acting as proctor or procurator, not of the Commons only, but of the whole Parliament, at Berkeley solemnly renounced allegiance to Edward II.—defeated in his efforts to loose himself from the dominance of the barons—and the Crown passed to the deposed King's son, as Edward III. It is, however, the second William Trussel—with one "l" in his name—who is mentioned in the index to the *Rolls of Parliament* as the first of the Speakers. The reference to him in the record itself sets forth that in the Parliament of 1343 the Commons, having consulted apart on a matter submitted to them by the Lords, made answer by "Monsieur William Trussel."<sup>1</sup>

At the time of the first Speakers the ancient period of Constitutional history—the conferences of wise men and warriors, whom the King summoned for deliberation on questions legislative and financial, military and judicial—had come and gone, and Parliament was not only looming more distinctly out of the shadowy and almost mystic past, but it had definitely adopted its modern shape of two Houses sitting and deliberating apart. This division of the Estates into two distinct groups—the Lords, consisting of the great landowners and the prelates, and the Commons, consisting of the lesser landlords and the lawyers representing the counties and the merchants and traders sitting for the cities and boroughs—had in fact taken place between forty and fifty years before the officially recorded appointment of a Speaker in the lower House. The first mention in the *Rolls of Parliament* of separate deliberations by Lords and Commons occurs in the record dealing with the year 1332.<sup>2</sup> The division may be said to have solidified and become permanent about the year 1340.

<sup>1</sup> *Rot. Parl.*, vol. 2, p. 136.

<sup>2</sup> *Rot. Parl.*, vol. 2, p. 66.

The assembling of the three Estates, the Lords spiritual and temporal, and the Commons, with the King presiding, took place in the Painted Chamber of the Palace of Westminster—so called for its elaborate embellishments of gilding and colours—at the opening of Parliament, or on great and important occasions during the session. But the Commons met for their separate and private deliberations sometimes in the Refectory of the Abbey of Westminster, just over the way,<sup>1</sup> but usually in its Chapter House, which was lent to them by the Abbot for the purpose, the Speaker sitting in the Abbot's stall, and the Members on forms arranged on the floor.

Possibly, therefore, other Members of the House of Commons, like Trussel, preceded de la Mare and Hungerford in the discharge of the functions, though perhaps not in the formal title of Speaker, notwithstanding the silence of the *Rolls of Parliament* on the point. The object of the ancient writers of the *Rolls of Parliament* seems to have been solely to note the decisions of the King, Lords, and Commons; and greatly to the loss of posterity they did not trouble themselves about matters of form and ceremony, such as the appointment of a chairman or prolocutor by the Commons. There are frequent omissions of the names of the Speakers from the *Rolls of Parliament* even after Hungerford, deficiencies which fortunately have been supplied in some cases from other sources.

The other two chief Officers of the House of Commons, the Clerk and the Serjeant-at-Arms, are first heard of about the same time as the Speaker. It is probable that when the Estates sat together there were two Clerks, the Clerk of the Parliaments and an under Clerk, and that when the separation into two Houses took place the assistant Clerk went with the Commons. At any rate, the Clerk of the House of Commons appears as a person of established position in 1388,<sup>1</sup> which is only twelve years later than the first recorded appointment of a Speaker in the person of Sir Peter de la Mare. At this time the Clerk was officially

<sup>1</sup> Stubbs, *Constitutional History*, vol. 3, p. 469.

known as "under Clerk of the Parliaments attending upon the Commons."<sup>1</sup> Then, as now, he was appointed by the Crown. His place in the House, according to the earliest glimpses we are afforded of the Commons at work, was at the Table beneath the Speaker, which is still his place. The Serjeant-at-Arms has also existed since the separation of the Houses. From the first he was appointed by the Crown to act as the executive officer of the Commons in carrying out their instructions and directions; and his station, as now, was at the door.

There may, accordingly, have been a Speaker since the first institution of the Commons as an assembly apart from the Lords. On the other hand, the Commons may, for a period, have debated the granting of taxes, with which at first they chiefly concerned themselves, without feeling the need of a head or director. Could they have adhered to the point in their deliberations and reached a conclusion when there was no chairman to guide and direct them and keep the proceedings in order? It is not impossible. Even in the twentieth century the House of Lords possesses no head, director, or authority for the regulation of its debates. It was comparatively late in their development as a separate and organized assembly that the peers came to recognize the necessity of having some one to put the question for discussion in a definite form before them, and to obtain their decision upon it at the end of the discussion. But the Lord Chancellor who discharges this function is, even to-day, powerless to rule whether or not an argument or even a speech is relevant to the question at issue, for he is vested with no authority to call another peer to order. There is always a point to keep to in debates in the House of Lords, as elsewhere, but the peers need not, and indeed do not, always keep to the point.

It is not at all unlikely that when the Commons set up a House for themselves in the middle of the fourteenth century, it did not strike them as necessary to elect one of their number to rule over them, in any way to control the

<sup>1</sup> Hatsell, *Precedents of Proceedings*, vol. 2, p. 207.



expression of their views, to moderate their differences, or even to keep order. Certainly, it is clear that the Speaker was not originally appointed for the mere sake of orderliness in debate. The purpose of the office was then simple enough. The Speaker was in fact nominated by the Commons to act as their official mouthpiece in all their relations with the Crown. When the chroniclers afforded us our first glimpse of the Speaker in the Chair of the House of Commons—or rather in the Abbot's stall of the Chapter House—he is not represented to us presiding over the knights and burgesses solely with a view to the preservation of regularity in their deliberations. He is the spokesman of the Assembly rather than its chairman. All the remarks and comments of Members are addressed to him. He listens attentively to everything that is said; but his object is not so much to secure that the talk is relevant to the matter under discussion, as that he may gather clearly the opinions and wishes, the desire or the will, of the House as a whole in regard to subsidies or grievances, and lay them rightly before the King.

This, then, was the prime cause of the origin and foundation of the Speakership—the necessity felt by the Commons of having a member of their body authoritatively to give voice to their wishes to the King. The original purpose of the House of Commons was consultative. Accordingly, the original function of the Speakership was expressive. It was to tell the King what the Commons, as the representatives of the people—or rather of their own orders, the country gentry, and the city merchants—desired he should do, to give him advice and guidance in affairs of State, by the light of their wider experience. And for a long period the office retained its primitive simplicity. The Speaker listened and assimilated, and then spoke for the Commons to the King.

As the House of Commons developed in organization and representative character, and advanced in power and freedom, the scope of the office was extended, and adapted to the growing needs of the Assembly. Its evolution was not guided and shaped with any definite intent and purpose, but

was solely determined by the changing influences of day after day, by the march of time and circumstances. At every stage of its growth its duties were jealously limited and conditioned. The House was far from desiring to have a dominating and overbearing personality as its head. What it wanted was a subservient and exact mouthpiece, a voice that would repeat to the King and the Lords exactly what it was told. Just that, no more and no less.

Two scholarly qualifications were essential. The Speaker should speak French well, and be able to read Latin. French was the language of the upper classes,—English being spoken, as a rule, only by the common people,—and it was the language in which the debates of the early Parliaments were conducted. All parliamentary and legal documents were usually issued in Latin.

## CHAPTER XVII

### THE COMMONS AND THE FIRST SPEAKERS

THE Parliament of 1376, in which the Speaker first appeared, is known in history as "The Good Parliament."

In it was laid the groundwork of a great institution. But it is not on that account that the Parliament is regarded as beneficent. Not only had the founders of the Speakership no conception of its potentialities, but centuries were to pass before the importance and real value of the office came fully to be recognized. The work done by the Parliament of 1376 which made it good, was the reform of abuses in the administration of the affairs of the Realm.

There is extant a very full and graphic account of its proceedings, written in Latin at the time by a chronicler in the Benedictine Abbey of St. Albans.<sup>1</sup> Edward I. was prematurely decrepit. The "Black Prince," who as Prince of

<sup>1</sup> "Chronicon Angliæ, 1328-88," published in the Roll series, *The Chronicles and Memorials of Great Britain and Ireland during the Middle Ages* (1874), with an Introduction by E. Maunde Thompson.

Wales was heir to the Throne, was lying stricken by a mortal disease, and John of Gaunt, Duke of Lancaster, as the King's next surviving son, held the control of affairs. The House of Commons was hostile to John of Gaunt. He was suspected of a design to set aside the right of the boy Richard—son of the Black Prince—to the succession, and seize the Crown himself on the demise of the King; a suspicion which seems to have been mainly inspired by the dying Prince of Wales.

The Estates of the Realm assembled on April 28, 1376, in the Painted Chamber of the Palace of Westminster. On the calling of the roll many of the Commons failed to answer to their names. This happened not unfrequently at that period, chiefly because Members were delayed on the road, or the Sheriffs failed to send up the returns to the writs, but for the reason also that some who were unwillingly elected to the National Council tried to shirk the duty of attending its meetings. An adjournment accordingly took place until 8 o'clock the following morning,—at which hour it was long the custom of Parliament to meet,—when it was announced that fines would be imposed on all who were not in attendance.

Next day, in the absence of both the King and the Prince of Wales, John of Gaunt presided over the assemblage. The causes of the summoning of Parliament were declared by the Chancellor, Sir John Kenynett, to be the provision of supplies for the continuance of the war with France, and for the peace and good government of the kingdom. The two Houses then separated. The Commons proceeded to the Chapter House of Westminster Abbey. This is the first occasion on which it is believed the Chapter House was used as the meeting-place of the Commons. And there, deliberating behind locked doors, they selected Sir Peter de la Mare, one of the knights of the shire for his native county of Herefordshire, and Seneschal of the Earl of March—a leading opponent of John of Gaunt in the House of Lords—to voice their discontent with the condition of the Realm.

On the following day the Estates assembled together

once more in the Painted Chamber, with John of Gaunt again filling the place of the King. De la Mare stated the demands of the Commons in a vigorous and independent speech. They were grievously oppressed by taxation. This, however, they would take in good part, nor grieve at it, if the money were properly spent, but it was evident that neither the King nor the Realm had any profit thereby. They therefore insisted upon an inquiry into expenditure, and removal from office or from the Court of certain close advisers of the King, to whose misdemeanours they attributed the existing public abuses.

The demands of the Commons were granted. Lord Latimer—the friend and creature of the Duke of Lancaster—was deprived of his office of Chamberlain. Richard Lyons, who in collusion with Latimer lent money at exorbitant usury to the King, was sent to the Tower; and Alice Perrers, the King's mistress, who had enriched herself with many spoils in the way of jewels, money, and estate, was banished from the Court.

The next Parliament assembled at Westminster on January 27, 1377. In the interval the scene had been completely transformed. The Black Prince was dead. John of Gaunt's influence was predominant. He recalled Latimer to office. He set Lyons free. He allowed Alice Perrers to return to Court and to stay with the King during the few months of life which now remained to him. More than that, the outspoken de la Mare was a prisoner in Nottingham Castle; and thus he was not only the first Speaker, but the first martyr to the cause of freedom of speech in Parliament.

The new House of Commons was packed with supporters of John of Gaunt. They selected as Speaker, Sir Thomas Hungerford, one of the knights of the shire for Wilts, who was in the service of the Duke of Lancaster and owed to him his knighthood and his fortune.<sup>1</sup> Hungerford is the first person mentioned in the official records as holding the office of Speaker. "Monsieur Thomas de Hungerford, chevalier," he is styled in the *Rolls of Parliament*, "qui avoit les

<sup>1</sup> S. Armitage-Smith, *John of Gaunt*, 145 (1904).

paroles pur less communes d'Angleterre en cet Parliament." <sup>1</sup> It is known as the "Bad Parliament." By it all the Acts of the "Good Parliament" were revoked.

King Edward III. died on June 21, 1377, and was succeeded by his grandson—the son of the Black Prince—Richard II. In the first Parliament of the young King, which met at Westminster on October 13, 1377, a large proportion of the knights of the shire who had sat in the "Good Parliament" were returned. Among them was Sir Peter de la Mare, who had only recently been discharged from Nottingham Castle by order of the new King. He was selected by his colleagues again to be their Speaker; and his second term of office was signalized by the setting of a precedent which has been followed at the assembling of every new Parliament from the fourteenth century to the twentieth. This is the request of the Speaker that if in his statement of the desires of the Commons to the King and Peers he should fall inadvertently into error, the blame might be imputed to his ignorance alone.

According to the brief record in the *Rolls of Parliament*, when de la Mare appeared with the Commons in the Painted Chamber, where the prelates and peers, presided over by the boy King, were assembled, he commenced his speech by saying that what he was about to declare was from the whole body of the Commons, and therefore if he should happen to speak anything without their consents it ought to be amended after he had done.<sup>2</sup>

In the record of the next Parliament, which met in the great hall of the Abbey of Gloucester on October 22, 1378, there is a fuller report of the early forms of the "protestation," as it was called. The Speaker was Sir James Pickering, one of the knights of the shire for Westmorland, and the preface to his speech is given as follows:—

"First, if he should utter anything to the prejudice, damage, slander, or disgrace of the King or his Crown, or in lessening the honours or estates of the great Lords, it might not be taken notice of by the King, and that the Lords should

<sup>1</sup> *Rot. Parl.*, vol. 2, p. 374.

<sup>2</sup> *Rot. Parl.*, vol. 3, p. 5.

pass it by as if nothing had been said, for the Commons highly desired to maintain the honour and the estate of the King and the rights of the Crown, as also to preserve the reverence due to the Lords in all points. Then, as for his own person, he made protestation that if by indiscretion he spoke anything which, by common assent of his fellow-members, was wrong, it might, either then or afterwards, be amended by them."

For the guidance, no doubt, of the Speakers who were to follow, the speech was inserted on the *Rolls of Parliament*.<sup>1</sup>

What motive was it that originally inspired the Commons of the fourteenth century thus to safeguard themselves against the consequences of the Speaker saying, whether intentionally or by a slip, something to the King and Lords which he had no authority to say? Probably we shall never learn 'for certain the reason why the Commons, on creating the office of Speaker, thought fit to hedge it round with restrictions. Their decisions and understandings we know, but there is nothing to show how or why they came to these understandings and decisions. In the early contemporary documents which have been discovered, there is not a single passage which opens the locked and strictly guarded doors of the Chapter House of Westminster Abbey and enables us to peep in, and see and hear, even for a moment, the Commons in deliberation. But it is obvious that the House of Commons was at its very beginning—as it is indeed to-day—jealous of the interpreter of its claims, its privileges, its rules, lest he should attempt to assume a power or authority which it was unwilling to allow him. The Speaker was the representative of the Commons, deputed by them to act on their behalf. They did not, however, permit him to enter alone the presence of the King and the prelates and the peers in the Painted Chamber. They went with him in a body, in order to ensure that in voicing their desires or intentions he should not say a word more, or a word less, than was in his instructions.

For a quarter of an hour or so the Speaker divided with

<sup>1</sup> *Rot. Parl.*, vol. 3, p. 34; *Parliamentary History*, vol. 1, p. 165.

the King himself the attention of that assemblage of the notabilities of the land in the National Council. In a position so dazzling and perturbing, amid a scene of magnificent pomp and dignity, there could be no accounting for the play of individual temperament and character. Courted by a smile of recognition from the King, or flattered by a compliment from Primate or Chancellor, the Speaker might give away the interests of the Commons in a sudden ebullition of nervous effusiveness or subserviency. The body of the Commons themselves were highly susceptible to the influences of great places and high occasions, and, above all, were extremely conscious of the majesty and imperiousness of Sovereignty. In that very Parliament of 1378, in which Sir James Pickering, as Speaker, appealed to the King that should he say anything imprudently the evil consequences should fall upon him and not upon the Commons, there was a curious and significant manifestation of this feeling. The Commons went on their knees in the Painted Chamber and humbly and obsequiously thanked the King with their whole hearts for his promise to preserve "the good laws and customs of the Kingdom." The Commons probably also felt that the Speaker might compromise them even by some careless word due to want of understanding or intelligence. Against all such imprudences on the part of the Speaker and accidents the Commons desired to protect themselves. And for this reason, no doubt, they required the Speaker before he voiced their opinions and wishes to the King, to beg to be allowed to rectify any error he might commit while he soared—as he felt bound to do in the awful presence of the Sovereign—into the highest altitude of rhetorical inspiration to which his mental gifts—such as they were—enabled him to rise.

Moreover, a significant change had already taken place in the relations between the Crown and the Chair of the House of Commons. It has been said that the original duty of the Speaker was to be the medium of communication between the Commons and the King. Soon he became almost as much the mouthpiece of the Sovereign within the Chamber as of the Commons outside it. The King was

supreme over Parliament. He summoned it to assemble at his sole will and pleasure. He alone had the power to issue the writs for the election of the Commons. He could ordain the suspension of the sittings of Parliament by adjournment. In him alone was vested the decreeing of its Dissolution. At a time, therefore, when the monarchy, in practice if not in form, was little removed from the absolute, and, at any rate, when in such matters as State appointments there was free play to the unfettered will of the Sovereign, it was unlikely that the King would refrain from exercising his influence and authority in the matter of so important a post as the Speakership of the House of Commons. It is probable that early in the history of the Chair, if not from the first, it was necessary for the Commons to have the leave of the King to choose a spokesman, though the earliest record of the Royal permission is in relation to the appointment of Sir Arnold Savage as Speaker in the second Parliament of Henry IV., held in 1401, just a quarter of a century after Sir Peter de la Mare. The Speaker, in truth, soon became, to all intents and purposes, the nominee of the King. He was the choice of the Commons, but the King took care that whoever was chosen was agreeable to him. At the least, a man was selected who, in a measure, could serve two masters.

In those circumstances the Speaker no longer merely listened and assimilated; he began to speak and to suggest, and therefore the Commons must have deemed it all the more essential to be on the watch that the Speaker did not abuse his position as their spokesman, and betray the needs of the people to the interests of the Crown. It is certain, however, that in most cases the Speaker was deeply impressed with a proper sense of the gravity and responsibility of his position. He felt that it would be his bitterest condemnation and shame if on the return to the Chapter House of Westminster Abbey he were charged with misrepresentation of the Commons, or reproached with having neglected duly to insist upon their rights and demands.



## CHAPTER XVIII

## A SUBSERVIENT SPEAKER

IN the third Parliament of Richard II., which met at Westminster in April 1379, no Speaker is mentioned by the *Rolls* as having been appointed. Sir John Goldsborough, or Gildersburgh, or Goldesburgh,—the name being thus variously spelt,—one of the knights of the shire for Essex, was chosen Speaker in the next Parliament, which assembled at Westminster in January 1380, and also in the following Parliament, which meet in November of the same year at Northampton, in the Priory of St. Andrew.

Sir Richard Waldegrave, who sat for Suffolk, and was chosen Speaker in the Parliament which met at Westminster in 1381, did not desire the honour. When he presented himself to the Sovereign and Lords in the Painted Chamber, after his election by the Commons, he begged to be excused and discharged; but the King declined to release him, charging him upon his allegiance to undertake the office since he was chosen by the Commons.<sup>1</sup> This is supposed to be the commencement of the practice of the Speakers to “disable” themselves before the King, by declaring their unfitness for the position, which, as we shall see, continued through many centuries.<sup>2</sup>

Waldegrave was succeeded in the Parliament of 1382 by Sir James Pickering, now one of the knights of the shire for York, appointed for the second time. There is a lapse of twelve years before the *Rolls* again record the election of a Speaker, although a Parliament was held annually as usual. The omission is due, no doubt, partly to the imperfectness of the *Rolls*, and partly to the negligence of the Clerk who engrossed them. At any rate, the next Speaker we meet is Sir John Bussy, one of the knights of the shire of Lincoln who was chosen in the seventeenth Parliament of Richard II., which assembled at Westminster in 1394.

<sup>1</sup> *Rot. Parl.*, vol. 3, p. 100.

<sup>2</sup> D'Ewes, *Journals*, 42.

The name of Bussy stands out prominently in the long line of Speakers. He was a leading actor in the turmoil which marked the closing days of the reign of Richard II. He was the first Speaker to be elected three times, which shows that he must have been a strong personality or high in the favour of the Court. He was also the first of the few Speakers who have been false to the tradition of their office and betrayed their trust for King in earlier times, or, in later, for personal gain or for Party.

On the occasion of his second election in the Parliament which assembled at Westminster in January 1397, having made the usual protestation to the King and Lords, he presented a petition from the Commons asking that the extravagant expenses of the Court might be curtailed. It seems a legitimate and reasonable request enough, but it greatly enraged the King, who denounced it as an attack on the liberties and royalties which his progenitors had established, and which he was determined to uphold. He sent a demand to the Speaker, charging him on his allegiance to reveal the name of the Member who had stirred up the Commons to make so disloyal a demand. The Commons, highly alarmed by the menace of the indignant King, appeared in the Painted Chamber, and falling on their knees humbly asked His Majesty's pardon. On their behalf the Speaker declared that they never designed to interfere with the King's household, knowing well that such things concerned His Majesty alone. Their sole desire was to call His Majesty's attention to certain matters, that he might act thereon as should please him best. They went further, for they disclosed the fact that Thomas Haxey was the Member who had induced them to send the petition to the King.

The Chancellor was commanded by the King to tell the Commons that "out of his royal benignity and gracious seigniorship" he excused them. But an example was to be made of Haxey. He was a Clerk in Holy Orders, and his presence in the House of Commons shows that while the clergy had long since refrained from attending Parliament,—

preferring to veto their taxes and manage their own affairs in Convocation,—a clergyman did occasionally get returned to the House of Commons late in the fourteenth century.<sup>1</sup> He was tried by the peers, and sentenced to death as a traitor. The Archbishop of Canterbury and the bishops pleaded with the King for the life of Haxey, “not as a right belonging to them,” as they expressed it, “but of His Majesty’s special grace and favour.” Their prayer was granted, and Haxey was spared being made a martyr to freedom of speech and action in the House of Commons.<sup>2</sup>

This incident is an apt illustration of the arbitrary and unconstitutional course on which Richard II. had entered to assert his independence of the House of Commons, but which was soon to end in his dethronement and the accession of the House of Lancaster. Bussy aided the King in his attempt to establish an absolute monarchy on the ruins of Parliament. He was elected Speaker, for the third time, in the Parliament which met at Westminster in September 1397. Raphael Holinshed in his *Chronicles*, which were written and published in the sixteenth century, relates how Bussy grossly flattered the vanity of the King.

“Sir John Bushie,” says Holinshed, “in all his talk, when he proposed any matter unto the King, did not attribute to him titles of honour due and accustomed, but invented unusual terms and such strange names as were rather agreeable to the Divine Majesty of God than to any earthly potentate. The Prince, being desirous enough of all honour, and more ambitious than was requisite, seemed to like well of his speech and gave good ear to his talk.”<sup>3</sup>

The sittings of the Parliament of 1397 at Westminster lasted only twelve days. The chief business was the impeachment of the King’s leading opponents. Then there

<sup>1</sup> Hallam, *Middle Ages*, vol. 3, p. 76 (11th ed. 1885). Professor Maitland suggests, however, in his *Constitutional History*, that Haxey may not have been a duly elected Member of the House at all.

<sup>2</sup> In 1399, shortly after the accession of Henry IV.—the next Sovereign—this judgment was annulled on the petition of the Commons, as being contrary to their liberties.

<sup>3</sup> Holinshed, *Chronicles* (original edition), vol. 3, p. 490.

was an adjournment to meet in Shrewsbury in January 1398. Here Parliament sat for three days only. Before it was dissolved it appointed a committee of twelve peers and six Commoners, to which, on the pretext that there was still a lot of business to be transacted, it delegated all its power and authority; and as the committee consisted exclusively of Richard's staunch adherents—including the Speaker—it practically made the King absolute. In the following year, during the absence of the King in Ireland, the banished Duke of Lancaster, Henry Bolingbroke (eldest son of John of Gaunt), landed in England and became the leader of the national discontent. On his way to Wales with his army, to intercept Richard who was returning from Ireland, he besieged and captured the Castle of Bristol. Among the prisoners was Bussy. The ex-Speaker was beheaded, without trial, the next morning.

## CHAPTER XIX

### THE SPEAKER AS ORATOR

PARLIAMENT had been summoned to meet on September 30, 1399, by writs issued by Richard II.

When the three Estates assembled on that day in the Painted Chamber they found the Throne vacant. On the day before, Richard II., baffled, defeated, and a prisoner in the Tower, consented to abdicate, and to absolve all his people from their allegiance to him. His deed of abdication was read by Arundel, Archbishop of Canterbury, who was deposed and banished by the previous Parliament, but had returned with Bolingbroke. The Crown was bestowed on Bolingbroke by the Estates.

The first Parliament of the new King, Henry IV., met at Westminster on October 6, 1399. It adjourned for a week, during which the King was crowned. On its reassembling, Sir John Cheney, one of the knights of the shire for Gloucestershire, was chosen as Speaker by the Commons, and approved

by the King. On the following day he came with the Commons into the Painted Chamber, and on the plea that he had been stricken by a sudden disorder<sup>1</sup> and was unable to serve, the King discharged him from the office, and accepted John Dorewood, whom the Commons had selected in his place. The truth was that Cheney was known to be in sympathy with Wycliff,—who had just begun to preach his disturbing doctrine that a lowly estate more befitted the Church than a position of wealth and glory,—and by the influence of Archbishop Arundel was forced to resign. Dorewood, his successor, one of the knights of the shire for Essex, has the distinction of being the first lawyer who was appointed Speaker. He was also the first Speaker who was not a belted knight or a knight with a sword.

If Dorewood was the first of the lawyers, his successor, Sir Arnold Savage, knight of the shire for Cheshire, who was appointed Speaker in the Parliament which met at Westminster on January 20, 1401, was the first of the orators. Previous Speakers may have been unready and awkward, probably tongue-tied country gentlemen, unable, as well as unwilling, to go beyond the customary and set protestation. But Savage was of a different type. He felt that he had a touch of the fire of eloquence, and was determined to light up the Painted Chamber, as well as the Chapter House of Westminster Abbey, with its glow.

More historically interesting still is the fact that Savage was the first Speaker to preface his statement of the demands of the Commons by an address complimentary to the Sovereign. At least it is the first of these speeches that is recorded on the *Rolls of Parliament*. The fulsome terms in which Bussy addressed Richard II., to the great scandal of Holinshed the Chronicler, may have always been used in such a speech. Later on these addresses to the Sovereign by the Speaker developed into a great parliamentary emotion, especially in the time of the Virgin Queen. But if Savage really set the precedent, he set it modestly. There was nothing extravagant in his first eulogy of Henry IV., so far

<sup>1</sup> *Rot. Parl.*, vol. 3, p. 424.

as it is recorded. "To every good Government," he said, "four things appertain, namely, wisdom, power, manhood, and riches, all of which he affirmed were in the King and his nobility, as the world very well knew, and they would approve, for the hearts and goodwill of subjects were the riches of a King."

Savage then proceeded to show that issues far more vital to the House of Commons than the hypothetical accomplishments of the King claimed consideration; and in doing this he displayed the qualities which must always constitute the virtues of a good Speaker—independence, boldness of utterance, and thorough loyalty to the House of Commons. He made three speeches. On the first day he asked that the Commons should be given ample time for deliberation on questions submitted to them, instead of being suddenly called upon to decide most important matters at the very end of the session. The request is significantly suggestive of the parliamentary tactics of the Sovereign in those days; though Henry IV., in reply, avowed that he had no such subtlety, or cunning in design. A few days later Savage raised the important subject of freedom of debate, showing how sedulously the Commons endeavoured to hide their own proceedings in the Chapter House of Westminster Abbey from the eye and ear of every one outside the assembly, and especially the King. The Speaker complained that some of the Commons, to please the King, reported to him the tenor of their deliberations before a decision had been come to, thus moving His Majesty's anger against innocent and deserving lieges; and he begged the King to close his ears to such unauthorized and garbled statements. To this prayer the King replied that he should pay heed to nothing affecting the Commons save what he heard from the mouth of the Speaker in the presence of the Estates. Within a week the Speaker, accompanied as usual by the Commons, claimed a third audience of the King and peers in the Painted Chamber. We do not know what it was that troubled Savage on this occasion, for the King bluntly refused to hear him; and as further evidence of his royal impatience and displeasure with

the importunate Commons, or their irrepressible Speaker, commanded that in future they should put all their demands or petitions in writing.<sup>1</sup>

It may have been that the King had grown weary of the Speaker's oratory. It is more probable, however, that His Majesty resented Savage's fuller and more outspoken statements of the views of the Commons, which were all the more perturbing because of their striking contrast with the reserves and timidities of Speakers during the reign of Richard II. Whether or not Savage was really covetous of oratorical distinction, he made another grasp at it just before the dissolution of Parliament was pronounced. It marked the beginning of the custom, which survived till late in the nineteenth century, of the Speaker making a speech at the Bar of the House of Lords on the last day of the session when Parliament was prorogued by the Sovereign in person. Savage's address, or "preachment" as it is called in the *Rolls*, was preceded by an act of humiliation on the part of the Commons which was then customary. They all knelt before the King, and through the Speaker humbly besought him to pardon them if in their ignorance they had for any cause given him offence. Which, say the *Rolls*, His Majesty of his benignity granted.

It was a strange spectacle. Harry Bolingbroke's title to the Crown was not based on hereditary right, the strongest of all titles in the Middle Ages, though, as yet, the doctrine of divine right was unknown. It was founded, simply, on the sanction of Parliament. He had been made King only two years before by the Estates of the Realm. But the holy anointing at the Coronation had endowed him with peculiar and shining virtues which glorified him above all other men, and had made him not only ruler of the land, but lord of all, master of their fortunes and their lives,—practically, by right of his power, if not in theory, according to law,—and the Commons, realizing their own insignificance by contrast, made submission to him in the dust of which they were the creatures.

<sup>1</sup> *Rot. Parl.*, vol. 3, pp. 455-6.

The Speaker in his concluding address tried still further to soften the resentment of the King by honied words of compliment. He compared the Parliament to the Sacrifice of the Mass. "At first," he said, "the Archbishop of Canterbury read the Epistle and expounded the Gospel to them,"—an allusion to the customary sermon at the opening of the session,—“the King did the sacrifice, by promising to defend and protect Holy Church, and when they were come to the end to say, *Ita missa est, Deo gratias*. They had good reason to thank God for sending them so excellent and gracious a King, full of pity and humanity towards all his subjects."

Sir Henry Redford of Lincolnshire was Speaker in the Parliament which met at Westminster in October 1402. In the next Parliament, which met at Westminster in January 1404, Sir Arnold Savage was again chosen Speaker. If he spoke, beyond making the usual protestation, there is no record of his utterance; but he presented a petition which led to the establishment of an important privilege for the Commons. The petition claimed as a matter of ancient right—it is curious, by the way, that everything asked for even in these early years of Parliament had a precedent in its support—that Members should be free from the liability to arrest for debt or trespass; and a statute was passed giving protection, not only to them but to their attendants, on their journeys to and from Parliament as well as during its sittings.<sup>1</sup>

Sir William Esturmy,—or Sturmeay, as he is called in the *Parliamentary History*,—knight of the shire for Devon, was Speaker in the Parliament held at Coventry in October 1404. It is variously called the "Unlearned Parliament," the "Lacklearning Parliament," the "Dunces Parliament," opprobrious epithets which have been applied to it by early legal commentaries on the Constitution, because Henry IV., following a precedent which was set by Edward III. in 1392, commanded the sheriffs to see that no man of the law was returned. It was said that

<sup>1</sup> 5 Henry IV. c. 6.



the lawyers took advantage of their position as Members of Parliament to promote the interests of their clients.

The next Speaker, Sir John Tiptoft of Huntingdonshire, who was appointed in the Parliament which met at Westminster on March 1, 1406,—the seventh of Henry IV.,—carried still further the precedent of depreciation set by Sir Richard Waldegrave a quarter of a century before,—a custom which, before its abolition in the nineteenth century, was to develop from an amusing comedy into a ludicrous farce. Tiptoft protested to the King that he was altogether too young to be Speaker,—he was then about thirty-one years old,—and, moreover, that he lacked sense. But Henry IV., in whose service he had been for years as a courtier, confirmed the choice of the Commons.

William Prynne<sup>1</sup> bears testimony to Tiptoft's independence of spirit and conduct as Speaker. "The Commons' young Speaker," he says, "took more upon him, and spoke more boldly and fervently to the King and Lords, than any Speaker had done before him—which innovation, beginning to grow in fashion, the King and the Lords thought proper in a succeeding Parliament to put a check upon as a novelty inconsistent with the King's prerogative." The Parliament was one of the longest that had yet been held. It sat until December 22, with two short breaks for the Easter and Midsummer vacations. On the day of the prorogation the Speaker made a speech which shows how the Court continued to hum with tittle-tattle about the secret deliberations of the Commons in the Chapter House. He begged that it would please the King to excuse the Commons in that it had been reported they had talked of his royal person otherwise than was seemly, which was untrue. The King magnanimously declared his belief in their loyalty.

<sup>1</sup> The Puritan lawyer and author, who wrote a large number of political and parliamentary works.

## CHAPTER XX

## THE KING AND THE SPEAKER

I N the following Parliament the Commons made their first snatch at power and privilege over the Lords. They established the most important Constitutional principle that in them lay the exclusive right of originating money grants.

The Parliament met at Gloucester on October 20, 1407. The Speaker was Thomas Chaucer, who sat for Oxfordshire, and is supposed to have been a son of the poet, though the fact is not clearly established. The King, after conferring with the Lords as to the supply which ought to be granted, sent for the Speaker and a committee of the Commons, and told them the amount of the subsidy which the Lords had suggested. When the Speaker made his report to the Commons they loudly protested against the action of the Lords. Probably there was no intention on the part of the Lords to gain control of taxation. But the Commons recognized the transcendent importance of keeping solely and exclusively in their House the originating and determining of all taxation, the bulk of which would fall upon them and the people they represented, and forthwith they sent a petition to the King declaring that the interference of the peers was in prejudice and derogation of their privileges. It was then laid down by the King, and officially recorded in the *Rolls*, that according to recognized usage—it had in fact been the custom since 1395—the constitutional method of voting supplies was that they were to be granted by the Commons, assented to by the Lords, and reported to the King by the Speaker.<sup>1</sup> Here was the source of the growth and development of the House of Commons in authority and power. As it came gradually to appreciate the strength it possessed in the control of the public purse, and to employ it to its own advancement, it emerged from the first merely

<sup>1</sup> *Rot. Parl.*, vol. 3, p. 611.

consultative stage into the stage of co-ordinate authority with the Lords, and from that to its present position of supremacy.

Chaucer was re-elected Speaker in the two subsequent Parliaments which met at Westminster, the one in January 1410, and the other in November 1411. The records in the *Rolls of Parliament* are brief and obscure, but they are sufficient at least to indicate that at the assembling of the Parliament of 1411 there was an echo of that episode of high constitutional moment in 1407 when the Commons claimed and won their place as the foremost of the two Houses in the supreme matter of taxation. On the assembling of the Estates, Henry IV. expressed the hope that as the Commons had come to an agreement with the Lords, they would speak no unbecoming words or attempt to do anything that was not proper and decent.

The King evidently thought that the time had come for curbing the freedom of speech which, as Prynne remarks, began with Speaker Tiptoft in 1406, and no doubt grew bolder with Speaker Chaucer. Speakers had not only to maintain the frontiers of privilege which the Commons inherited, but to try to extend them also.

At any rate, when Chaucer presented himself to the King and peers in the Painted Chamber and prayed that he might be allowed to make the usual protestations, he was told that he might speak as others before him had done, but that the King would allow no novelties to be introduced, and was determined to maintain his prerogative. The Speaker seems to have been taken aback by the words of the King, in which a note of anger and resentment could be detected. He must have thought his safety was in peril. As a precaution he asked for a respite of three days, which was granted in order that he might give his answer in writing. It was as follows: "That he desired to make no other protestation than that which other Speakers had made before him; and that if he should speak anything to the King's displeasure it might be imputed to his own ignorance, and not to the body of the Commons."<sup>1</sup>

<sup>1</sup> *Parliamentary History*, vol. I, pp. 312-13.

Chaucer recognized that it was a hazardous thing to affront the King. At the very least, could not His Majesty make unprofitable the career of a public man of ambition? The Commons also were dismayed. On the last day of the session, in the Painted Chamber, they dropped on their knees before the King—a perturbed and embarrassed crowd—and declaring that it had come to their ears that His Majesty was offended with some of them, they humbly sued for pardon, and prayed that he would openly declare he held them all for loyal subjects. Right royally and, in a grand phrase, “graciously condescending,” the King took them benignly to his heart.

But with all their natural obsequiousness to the sovereignty and power of the King—so stupendous and overwhelming—the Commons were determined to condone nothing on the part of the Speaker which was likely to compromise their constitutional position.

In the next Parliament—the first of Henry v.—which assembled at Westminster on May 14, 1413, William Stourton of Dorset was chosen Speaker. About a week afterwards the Commons appeared before the King and Lords, when the Speaker on their behalf complained that many fair promises for the observance of the laws, made in the time of his late Majesty, had not been fulfilled; and the King commanded that the complaint be laid before him in writing, so that he might the better consider of it. In his subsequent action, Stourton evidently went beyond his instructions, for he was repudiated by the Commons. “The Speaker,” we are told, “without the assent of his companions, did agree before the King to deliver certain articles; but about three days following the Commons, finding themselves aggrieved therewith, sent unto the Lords—the King being then present—Mr. John Dorewood, and divers of the Commons with him, and declared to the King that their Speaker had no authority from them to yield thereunto, and therefore they desired to be excused therein, which the King was pleased to accept.”

Stourton held office for a few weeks only. On June 3

the Commons came to the House of Lords, and reporting that Stourton was ill, presented as their new Speaker, John Dorewood the lawyer, who was Speaker in 1399. It is probable, however, that Stourton was compelled to resign for being too complaisant with the King. In this Parliament one of the earliest, if not the first, of the statutes affecting the franchise was passed. Residence within the counties was made a qualification both for the elected and the electors.<sup>1</sup>

The succeeding Speaker was Sir Walter Hungerford, son of Sir Thomas Hungerford—the first recorded Speaker—and Knight of the Shire for Wilts, who was appointed in the Parliament which met at Leicester in April 1414. He was a soldier, and in the following year fought under Henry v. at Agincourt, that most brilliant exploit of arms against the French. It was Hungerford, and not the Earl of Westmorland—as stated in Shakespeare's *Henry v.*—who, on the eve of the battle, when the issue was doubtful owing to the overwhelming force of the French, said to the King: "Ah, would that the thousands of stout archers that are lying idle to-night in England were here with us"; and drew from Henry the famous rebuke: "I would not have a single man more. If God give us the victory, it will be plain that we owe it to His grace. If not, the fewer we are, the less loss for England!"

In the Parliament of 1414 the Commons sent up a memorable petition to the King. It was to the effect that measures assented to by them should not be altered in the engrossment of the Statutes. As it was not the first time the complaint was made of the incompleteness or inaccuracy of the Rolls and Statutes, it is probable that the records of the business transacted in Parliament are not always trustworthy, or that the Statutes—which were then usually founded upon the petitions of the Commons, and were not drawn up until after the Parliament was dissolved—did not always correspond very closely with the Commons' expressed wishes. In 1401 the Commons asked that the engrossing

<sup>1</sup> 1 Henry v. c. 1.

of their petitions as statute law should take place while the Justices were still in attendance on the Parliament, and in 1405 they were allowed to be represented by a committee at the engrossment. The petition of 1414 is famous also for the fact that it is given on the *Rolls*, not in the official French, but in English, and is the very first record in that language. This course was taken, perhaps both to mark its importance and to avoid misinterpretation. The assent of Henry v. is thus given:—

“The King of his grace especial graunteth that fro hens forth no thyng be enacted to the Peticions of his Comune that be contrarie of hir asking, wharby they shuld be bounde withoute their assent. Savyng alway to our liege Lord his real Prerogative to graunte and denye what him best of their Petitions and askynges aforesaide.”<sup>1</sup>

## CHAPTER XXI

### FREQUENT PARLIAMENTS AND MANY SPEAKERS

ANOTHER Parliament met in November of the same year—1414—at Westminster, in which Thomas Chaucer was for the fourth time appointed Speaker. In November 1415 a Parliament, summoned by the Regent, John Duke of Bedford, in the absence of the warrior King in France, met at Westminster; and the Speaker chosen was Sir Richard Redmayne, Knight of the Shire for Yorkshire. On the return of Henry from France a Parliament was held at Westminster in March 1416. The Speaker was Sir Walter Beauchamp of Wiltshire, who first studied law and subsequently became a soldier. He was one of the King's companions-in-arms, and displayed great gallantry at Agincourt. Roger Flower, a lawyer and Member for Rutland, was Speaker in three Parliaments in succession, October 1416, November 1417, October 1419, all of which

<sup>1</sup> *Rot. Parl.*, vol. 4, p. 22.

met at Westminster. Roger Hunt, another lawyer, and Member for Bedfordshire, was Speaker in the Parliament of 1420, which also met at Westminster. In the succeeding Parliament, held at Westminster in May 1421, Thomas Chaucer received the honour—unique, so far—of being appointed Speaker for the fifth time. There were two Parliaments held that year. In the second, which met at Westminster in December and was the last of Henry V., the Speaker was Richard Baynard of Essex.

In the first of Henry VI., which assembled at Westminster in November 1422, Roger Flower was for the fourth time chosen Speaker. Sir John Russell of Herefordshire was Speaker in the Parliament held at Westminster in October 1423. The next Parliament, which also met at Westminster, was opened in the presence of the baby king, Henry VI., sitting in his mother's lap. He was between two and three years old. John Speed, the historian and cartographer, in his *History* (published in 1611) says, "It was a strange sight, and for the first time it was ever seen in England, an infant sitting in his mother's lap (on the throne), and before it could tell what English meant, to exercise the place of sovereign direction in open Parliament." The Speaker was Sir Thomas Wauton, knight of the shire for Bedfordshire, and a lawyer. The next Parliament, which met in February 1426, at Leicester, is known as the "Parliament of the Bats," not because it displayed any of the qualities of the flying mammal, but because its Members, Lords and Commons, who took sides in the fierce struggle for power between the young King's uncle, the Duke of Gloucester, and his godfather, Beaufort, Bishop of Winchester, being prohibited from carrying swords, came armed with bats or staves. So tumultuary were the opening proceedings, that though the assembly took place on February 18, it was not until the 28th of the month that the Commons were enabled to present their Speaker, Sir Richard Vernon of Derbyshire. John Tyrrel of Herts was Speaker in the Parliament which met at Westminster in October 1427. The next Parliament, held also at Westminster, of which the Speaker was William

Alington of Cambridgeshire, passed in 1430 a great disfranchising measure. Hitherto all freeholders had the vote in counties. Now it was restricted to freeholds of the clear annual value of forty shillings. This statute regulated the franchise for the next four centuries.<sup>1</sup>

John Tyrrel was Speaker in 1431, John Russell in 1432, Roger Hunt in 1433—each being chosen the second time—and John Bowes of Nottinghamshire in 1435. In 1436, Tyrrel—now Sir John—was for the third time appointed. He fell ill during the session, and was succeeded by William Burley of the county of Salop. The next Parliament, which assembled at Westminster in November 1439,—William Tresham of Northamptonshire being Speaker,—was shortly afterwards prorogued, owing to the plague which was then raging in London, and met again in the following January at Reading. The fear of the plague led to the adoption of the following order by Parliament, suspending the ancient ceremony of the kiss of fealty:—

“That all persons who should do homage to the King, holding by Knights Service, should do the same without kissing him, and the same should be as good as though the Kiss were given.” William Tresham was again chosen in 1442.

In the next Parliament, which met at Westminster in February 25, 1445, William Burley was appointed Speaker for the second time. It was quite a long Parliament. It sat, with holiday adjournments, till December 15, when it adjourned to January 24, 1446, and was dissolved on April 9. One of the petitions of the Commons to the King complained that the Sheriffs sometimes tampered with the returns to the extent of substituting for the Knights duly elected nominees of their own, in consequence of which persons of low birth found entrance into the House of Commons. While the long petition of the Commons is drawn up in French, the reply of Henry VI. is given in English as follows:—

“The Kyng wille that it be as it is desired: so that the Knyghtes of the Shires for the Parlement hereafter to be chosen be notable Knyghtes of the same Shires for which

<sup>1</sup> 8 Henry VI. c. 7.



they shall so be chosen, other ellys such notable Squiers, Gentilmen of birth of the same Shires as be able to be Knyghtes; and no man to be it that standeth in the degree of Yoman and bynethe."<sup>1</sup>

Such is the tale, brief and cold, that is to be told of the Speakership of the House of Commons at this period of history. The Parliament is elected and meets on a summons of the King. A Speaker is appointed by the Commons; he makes the usual protestations before the King and peers, to which his Majesty graciously listens and royally assents; the Commons vote in secrecy the supplies necessary to defray, to some extent, the huge debt incurred through the wars with France, and then the Parliament is dissolved. Hardly anything more is to be said. So we stride quickly across the years. The scene scarcely changes in our eyes. Only the Speakers, or rather their names, vary. A fresh one is usually elected for each Parliament, and in those times a Parliament lasted only a few months. It was provided by statute in 1330—early in the reign of Edward III.—that a Parliament should be summoned every year, or more often if the need for it arose. During the fourteenth century, however, there was no Parliament for several years, and, on the other hand, in some years there were two Parliaments. Each of these Parliaments was a new Parliament specially elected. The procedure by which the same Parliament is kept in being, year after year, by means of prorogations, had not yet been invented. Each Parliament met once, and having sat for a few months was, as a rule, dissolved.

The Speakers, therefore, are numerous. They come and disappear, mainly a succession of county magnates and landowners, interrupted now and then by the appointment of a lawyer from the adjoining Courts of Justice at Westminster, or an old soldier worn in the war with France, and nothing remains of most of them but the dust and ashes of an unilluminating name.

Still, we may be sure that even this long and silent procession of men who filled the office of Speaker during its

<sup>1</sup> *Rot. Parl.*, vol. 4, p. 116.

elementary stage—in its first tentative form, before it came to be recognized, perhaps, as an integral and essential part of the House of Commons—and in unexacting periods of parliamentary history, were the outstanding Members of the Assembly. We can guess that the physical and mental dispositions which placed the crown of leadership upon the brow of each in turn, were a commanding and dignified presence, high personal character and the gift of speech, with wisdom and adroitness in its use, especially when the Speaker stood face to face with the King on his Throne, surrounded by prelates and peers,—a position at once dazzling and bewildering,—and had to utter the first stammering demands of the Commons for justice and right.

Was the Speaker at this time the leader of the Commons as well as their spokesman? Did the House look to him for guidance? Was the supreme influence as to the superintendence and direction of all matters that came before it vested in him? To these questions no authoritative replies are forthcoming. The proceedings of the Commons in the Chapter House of Westminster Abbey are yet enveloped in darkness. We do not know exactly whether the Speaker presided over the deliberations of the Commons, focussing their attention upon the points of any matter under consideration, or whether he sat, without distinction of position or dress, in the general body. It is presumed, simply, that he sat in the Abbot's chair. But it is becoming evident that he looked more and more after the interest of the King in the House of Commons.

## CHAPTER XXII

### LANCASTER AND YORK

THE Speakers that were now to follow were less transient than their immediate predecessors. But it is to be feared they were more embarrassed. The country was entering upon a long period of national disturb-

ance, of conspiracies and revolts arising out of the awakening of the hope and design of the Yorkists to secure the succession of the Crown to the Duke of York. Such a time of internecine strife was full of difficulty and danger for men in high public places. Brief as was the Speaker's tenure of office, it was heavy with responsibility and peril. The House of Commons was Yorkist and Lancastrian according as the influence of one or other of the Parties was in the ascendant when the Parliament was elected. It was not an age for timidity or vacillation. The Speaker was a bold and fearless partisan of the Red Rose or the White. He was the mouth-piece of the antagonism of the Commons. He was therefore the centre or focus of the enmity of the other Party. In this merciless as well as turbulent time, therefore, tragedies beset the occupants of the post. Speakers were banished, murdered, and beheaded.

In the Parliament which assembled at Westminster in February 1449, John Say of Cambridgeshire was Speaker. In November of the same year another Parliament was elected to consider the situation in France. Bit by bit the English possessions in that country were being lost, and the hundred years' dream of making it the brightest gem in the Crown of England was about to end in disastrous eclipse. This Parliament was summoned to meet at Leicester, an old Lancastrian stronghold, but owing to the threatening aspect of affairs most of the Lords and Commons, being strongly Yorkist, refused to meet anywhere but at Westminster, where they would have the protection of the City of London, with its Yorkist sympathies.

Sir John Popham of Hants, an old soldier, was chosen Speaker on November 7, 1449. He made the customary declaration of his unfitness to discharge the duties of so high and arduous an office. The excuse in this instance was genuine, for Popham was war-worn and infirm, and accordingly it was admitted by the King.<sup>1</sup>

On the following day William Tresham, the lawyer and knight of the shire for Northamptonshire, was appointed

<sup>1</sup> *Rot. Parl.*, vol. 5, p. 171.

for the fourth time. Tresham was a strong partisan of the Yorkist claims. He was very conspicuous in urging the demand of the Commons for the impeachment of the Chief Minister, William de la Pole, Duke of Suffolk, who was blamed for the military reverses in France. Suffolk was banished. The vessel conveying him from England was intercepted off the Kentish coast, and he was seized and put to death. Tresham, the Speaker, was subsequently waylaid on the high road at Thorpland, near Moulton, in Northamptonshire, and slain by a band of Lancastrians.

Sir William Oldhall of Hertfordshire—a soldier who had fought in France—was Speaker in the next Parliament, which assembled in the winter of 1450, and was not dissolved till June 1451. He had been Chamberlain to Richard Duke of York, and it was through the influence of the Yorkists that he was selected as the spokesman of the Commons. In 1450, Jack Cade's rebellion took place. It was provoked by the extortions of the King's officers in collecting the revenue; but in the belief of the supporters of the reigning dynasty its real purpose was to advance the cause of the House of York. Certainly, in the next Parliament, which met in the Refectory of the Abbey at Reading on March 6, 1453, and, having risen for Easter, reassembled on April 25 at Westminster, Oldhall was indicted for complicity in the rebellion. He was found guilty, outlawed, and attainted; but he took sanctuary in the Chapel Royal of St. Martin's-le-Grand, where he remained until the success of the Yorkists' cause in the first battle of St. Albans, May 1455, brought him not only release, but the reversal of his outlawry and attainder.

The Parliament in which Oldhall was indicted was, of course, Lancastrian. The Speaker was Thomas Thorpe, knight of the shire for Essex, and a strenuous supporter of the House of Lancaster. He was a lawyer, and at the time of his appointment as Speaker was Baron of the Exchequer.<sup>1</sup> The Houses adjourned for Easter, to meet at Westminster on April 25. They rose again on July 2, and reassembled at Reading on November 12; but at that date Henry VI. was

<sup>1</sup> Ramsay, *Lancaster and York*, vol. 2, p. 160.

lying at Windsor Castle mentally and physically incapacitated, and, as Parliament could not then even be reopened after an adjournment save in the presence of the King or some one authorized by him to act on his behalf, the Houses were immediately prorogued until February 11, 1454. The King was still unwell when Parliament met at Westminster on that date, and consequently it was further adjourned for three days. On February 14, however, it was opened by the Duke of York as the representative of the King.

The Commons now found themselves without a Speaker. Baron Thorpe, in fact, was a prisoner in the Fleet. Acting, probably, by orders of the King, he had seized a large quantity of arms which the Duke of York had stored in Durham House, the residence of the Bishop of Durham; and, on being sued for trespass by the Duke in his own Court of Exchequer,<sup>1</sup> damages of £1000 were awarded against him, in execution of which he was committed to prison. The Commons declared that the imprisonment of Thorpe was a breach of their privilege of freedom from arrest, and they demanded his immediate liberation. The constitutional point was referred by the Lords to the Justices. The Chief Justice of the King's Bench at the time was Sir John Fortescue, a great judge and the writer of *The Governance of England*, one of the earliest treatises on the English Constitution. In his report to Parliament he expressed the opinion of all the judges, that they ought not to answer the question put to them by the Lords—

“For it hath not be used afore tyme, that the Justices shuld in eny wyse determine the Privelegge of this High Court of Parlement; for it is so high and so mighty in his nature, that it may make lawe, and that that is lawe it may make noo lawe; and the determination and knowledgge of that is Privelegge belongeth to the Lordes of the Parlement and not to the Justices.”<sup>2</sup>

But they suggested that Thorpe might be released to attend to his duties in Parliament, as the charge against him

<sup>1</sup> Ramsay, *Lancaster and York*, vol. 2, p. 167.

<sup>2</sup> *Rot. Parl.*, vol. 5, p. 248.

was not treason, felony, or surety of the peace, but simply trespass. The Lords, however, at the prayer of the Duke of York, came to the following resolution: "That the said Thomas Thorpe should remain in execution, notwithstanding his privilege as a Member and being Speaker of the House of Commons." The Commons submitted without further protest. Thorpe was kept in prison till he paid the £1000 damages. Sir Thomas Charlton, Member for Middlesex, was chosen in his place as Speaker for the remainder of the Parliament, which was dissolved in April 1454. The Duke of York was appointed Protector and Defender of the Realm during the incapacity of the King.

## CHAPTER XXIII

### THE WARS OF THE ROSES

THE next Parliament met at Westminster on July 9, 1455. Only seven weeks before the Lancastrians and Yorkists had met in deadly conflict at St. Albans, the first battle of the long Wars of the Roses. The Yorkists were completely victorious. Their influence, consequently, was predominant in the Parliament. The Speaker chosen was Sir John Wenlock, Member for Bedfordshire. He had fought under the Lancastrian banner for the King, and was wounded at St. Albans. Now he was a Yorkist. It was a quick change of sides. We shall meet with other examples of what seems to be inconsistency on the part of Speakers before the White and Red Roses are united.

The next Parliament was held in 1459 at Coventry. It was opened by the King in person in the Chapter House of St. Mary's Abbey. In sentiment it was furiously Lancastrian. None of the Yorkist peers were summoned to the House of Lords, and knights and burgesses who were staunch supporters of the reigning dynasty were returned to the House of Commons by the Sheriffs without due election and

in obedience to letters from the King. The Speaker chosen was Thomas Tresham, Member for Northamptonshire, and son of William Tresham who was Speaker in 1449. The father was assassinated for his partisanship in the interest of the House of York. The son was just as violent a Lancastrian. Almost the sole business of the session was the passing of Bills of Attainder against the Duke of York and his adherents. Conspicuous in the proceedings was the Lancastrian ex-Speaker Thomas Thorpe; and among the attainted were two Yorkist ex-Speakers, Sir William Oldhall and Sir John Wenlock. A statute was also passed declaring that the election of all Knights of the Shire as were returned to the Parliament "by virtue of the King's Letters" was valid. It was passed on the petition of the Sheriffs, and was, in fact, an Act of Indemnity to them for having packed the Parliament with Lancastrians by command of the King. The Parliament came to an end on December 20. It is known as the *Parliamentum Diabolicum*.

Such was the ever-varying fortunes of the conflict that within a few months the control of affairs was again in the hands of the Yorkists. Their cause had received the bloody sanction of success in battle. At Northampton, on July 10, 1460, the Lancastrians were defeated. On the following 6th October a Parliament assembled at Westminster, which was opened by Henry VI. in person, though he was virtually a prisoner in the hands of the Yorkists. John Green, Member for Essex, was chosen Speaker. The entire proceedings at Coventry, including, of course, the attainders against the Yorkists, were annulled, on the ground that the Parliament was unlawfully summoned, and that the knights and burgesses were not duly returned. It was also decided by both Houses that on the death of the King the Crown should descend, not to his son and heir, the Prince of Wales, but to the Duke of York. Within a few weeks the Duke was dead. He fell at the Battle of Wakefield, December 29, 1460, and his cause seemed to be completely overthrown. But his son Edward, the young Earl of March, defeated the Lancastrians at Mortimer's Cross on

February 2, 1461, and towards the end of the same month entered London in triumph. Henry VI. fled to Scotland. Ex-Speaker Thorpe was beheaded at Haringay, Middlesex. Finally, Edward IV. was crowned at Westminster on June 28, 1461.

In the first Parliament of Edward IV., which met at Westminster on November 4, 1461, Sir James Strangewaies, or Strangeways, a lawyer of eminence and a strong partisan of the House of York, who sat for the county of York, was chosen Speaker. He is notable among the Speakers in that he began a custom which continued with some intermissions down to the eighteenth century. This was the delivery by the Speaker, on being presented by the Commons to the King, of a fulsome address in praise of the mental and physical qualities of the Sovereign. Strangeways' address has fortunately been preserved. It is fully recorded in the *Rolls*,<sup>1</sup> which shows the importance attached to it by the Parliament. It is interesting not only for its theories of Royalty, but for the examples it affords of the literary style and orthography of the period.

The speech thus opens: "Most Christen Kyng, right high and mighty Prynce, and our aller most drede Sovereigne and naturall Liege Lord"; and then proceeds:—

"We your humble and true subgetts, the Commyns of this your noble Reame, comyn to this your high Courte of Parle-ment, by your high Commandment, have as grete cause to calle, and calle to the tendernesse of our Mynde, as ever had people lyvyng under eny Christen Prynce, the honorable and noble Devoir, that it hath pleased Your Highness to put the same in of pryncely and knyghtly Prowesse and corage for the redempcion of your sed Reame and subgetts from the Persecucion and Tyrannye of your and theirre great and insatiable Ennemytees."

The King was only nineteen years of age. He was a tall and handsome youth, of undoubted courage and great military talent, as he had shown especially at the bloody battle of Towton, fought on Palm Sunday, 1461, in which the

<sup>1</sup> *Rot. Parl.*, vol. 5, p. 462.



Lancastrians were utterly routed. His exploits in subduing the enemies of his House and the infamies of these adversaries was enlarged upon by the Speaker in glowing terms, and in the same high style the address proceeds:—

“Moost Christen Kyng, right high and myghty Prynce, and our allermoost drede and naturall Soverayne and Liege Lord, the noble and condigne merites, pryncely and knyghtly corage, in the grete and victorious acts afore rehearsed, the beauty of personage that it hath pleased Almighty God to send you, the wisdom that, of his Grace, is annexed thereunto, and the blessed and noble disposition and application of your seid Highnesse to the Commyn wele and policie of your seid Reame, and to Godd’s chirch of the same, calleth upon us to give therefor as herty and entier lovyng to God as we can; and with all humblenesse possible thanke your good and benigne Grace shewed to our seid redemption and salvacion in manner and fourme afore declared.”

The Parliament recognized Edward’s title to the Throne without the need of confirmation by the Estates. It may have come through the Wars of the Roses subdued and chastened; but it certainly emerged from that violent and bloody struggle unchanged in its form or Constitution. Neither of the protagonists, however triumphant and unscrupulous, intrigued against it, or attempted to introduce any new elements into its composition, much less to destroy it. It was essential, and therefore permanent. Each party in its hour of success seized the machinery of Parliament, for it was found to answer even the most autocratic and tyrannical ends.

Despite the statute of Edward III. for the holding of annual Parliaments, the meeting of the Houses was infrequent under Edward IV. In his reign of twenty-two years there were but six meetings of the Estates. Two years elapsed before he summoned his second Parliament. He was not so dependent as his predecessors on the supplies granted by the Commons, owing to the forfeitures of the Lancastrians. But the country continued in a very disturbed state, and in time the King’s wealth was exhausted.

Parliament, accordingly, was summoned to meet at Westminster on April 29, 1463. John Say, Esquire, of Hertford, who filled the Chair of the Commons in 1449, under Henry VI., was again appointed Speaker. The next Parliament assembled at Westminster on June 3, 1467. Sir John Say—for he was now a knight—was chosen Speaker for the third time.

All this time the deposed Henry VI. was in captivity. After more than five years' imprisonment he was set free and placed upon the Throne by Warwick, the King Maker, in October 1470. On his summons a Parliament met at Westminster on November 26, 1470. Here there is a blank in the roll of Speakers. Who it was that presided over the Commons in this the 23rd Parliament of Henry VI. is not known. The records which declared Edward IV. a traitor and usurper are supposed to have been destroyed by that monarch when, having defeated and slain Warwick at the Battle of Barnet, Easter Sunday, 1471, he was restored to power.

Edward IV. summoned the sixth Parliament of his reign, which met at Westminster, October 6, 1472. The Speaker was William Alington, Esquire, Knight of the Shire for Cambridge, and son of William Alington, who also represented Cambridge and was Speaker in the Parliament of Henry VI. in 1429. The Parliament elected in 1472 was the longest that had yet been held. It was five times prorogued, and was not dissolved until March 14, 1475. The next Parliament assembled at Westminster on January 16, 1478. William Alington—whose services in the last Parliament had been rewarded by a pension—was chosen Speaker for the second time. Five years elapsed before a Parliament was again summoned. It met at Westminster on January 20, 1483. The Speaker was John Wode, Esquire, Member for Sussex, and the son of a burgess of Horsham in Surrey. It was the last Parliament of Edward IV. The King died on April 9, 1483.

## CHAPTER XXIV

## SPEAKERS EMPSON AND DUDLEY

ONE of the dying injunctions of Edward IV. was that his brother, Richard Duke of Gloucester, who had been faithful to him through all his troubles, should take charge of the kingdom and his family during the minority of his eldest son Edward, then in his thirteenth year. Richard, accordingly, was appointed Protector. His usurpation of the Crown and the murder of the dethroned Edward V. and his brother in the Tower belong to the broader course of history.

Richard was crowned at Westminster on July 6, 1483. He met his first and only Parliament at Westminster on January 23, 1484. The Speaker was William Catesby, Esquire, one of the knights of the shire for Northampton, who had been for years "Esquire of the Body" to the Duke of York. He came of a family of position in that county, a lawyer, "a man wel lerned in the lawes of this lande,"—as Sir Thomas More describes him in his *History of King Richard the Third*. An Act was passed declaring that the right, title, and estate of Richard to the Crown was "grounded upon the lawes of God and nature; and also upon the auncien lawes and laudable customs of this said Reame"; and recognizing the King's son, Prince Edward, as heir-apparent to the Throne.<sup>1</sup>

Catesby was on the stricken field of Bosworth, August 22, 1485, when Richard was defeated by Henry Earl of Richmond, and killed. He himself was taken prisoner, and three days later was beheaded, without trial, at Leicester.

The victorious Earl of Richmond was crowned as Henry VII.—the first Tudor King—on October 30, 1485. He was then twenty-eight years of age. His first Parliament assembled at Westminster on November 7 of the same year. One of the knights of the shire for Northampton was Sir Thomas Lovel, a lawyer and a member of an ancient

<sup>1</sup> *Rot. Parl.*, vol. 6, pp. 240-2.

Norfolk family. He had shared the exile of the Earl of Richmond, returned with him to England, and fought under his banner at Bosworth. The Commons selected him as Speaker.

In the second Parliament of Henry VII., which met on November 9, 1487, Sir John Mordaunt of Bedford, who was both soldier and lawyer, was Speaker, and in the subsequent Parliament which met on January 14, 1489, the Speaker was Sir Thomas FitzWilliam. Nothing more can be said of these Speakers than the bare mention of their names. Indeed, there is little of note to be recorded of the Parliaments which met during the four-and-twenty peaceful years of the reign of Henry VII. The Estates were summoned by the King only seven times. They met but once during the last thirteen years of his rule. Of the Speakers, only two are recorded in the general history of the country; and Empson and Dudley—names of evil conjunction—are known to ill-fame not as Speakers, but as cruelly extortionate tax-gatherers outside the law. Richard Empson, one of the representatives of Northamptonshire, was Speaker in the Parliament which met on October 17, 1491. His father, Peter Empson of Towcester, Northamptonshire, was a man of humble origin and a sievemaking by trade. Richard became a lawyer, and was so successful that he was able to purchase an estate in Norfolk. He was knighted in 1503.

Sir Robert Drury of Suffolk was Speaker in 1495, and Thomas Ingelfield, or Englefield, of Berkshire, was Speaker in 1497.<sup>1</sup> The Estates were not summoned again until 1504. In this Parliament, which was the last of Henry VII., Edmund Dudley was Speaker. He was the son of John

<sup>1</sup> Manning, in his *Lives of the Speakers*, states that Sir Reginald Bray, the eminent architect, whose genius survives in St. George's Chapel, Windsor, and the Chapel of Henry VII. in Westminster Abbey, was Speaker in 1497. There is no mention of Bray in the "Rolls of Parliament," but there is of Englefield, or "Ingelfield"—as his name is therein rendered—as Speaker of the only Parliament of 1497 of which we have certain knowledge. Manning also says that Bray sat for Bedfordshire. It is likely that Bray was in the Parliament of 1497; but there is no authority for saying that he occupied the Chair.

Dudley of Atherington, Sussex, who was Sheriff of that county in 1485. He was at Oxford University, and was called to the Bar. In conjunction with Empson he formulated a scheme for the raising of money without the consent of Parliament, which received the sanction of the King. In carrying out their scheme they resorted to the most oppressive forms of chicanery, fraud, and oppression; and so successful were they in their extortions that at his death Henry VII. was able to leave a horde of two millions sterling to his heir, Henry VIII. The exaction of these illegal taxes and penalties, fines and ransoms, naturally raised up a host of enemies against Empson and Dudley. So widespread and fierce was the outcry against them that the young King, Henry VIII., had to yield to it shortly after his succession. They were convicted of constructive treason,—a groundless or at least frivolous charge trumped up against them to bring them to the block,—and both were beheaded on Tower Hill in 1510.

## CHAPTER XXV

## SIR THOMAS MORE AS SPEAKER

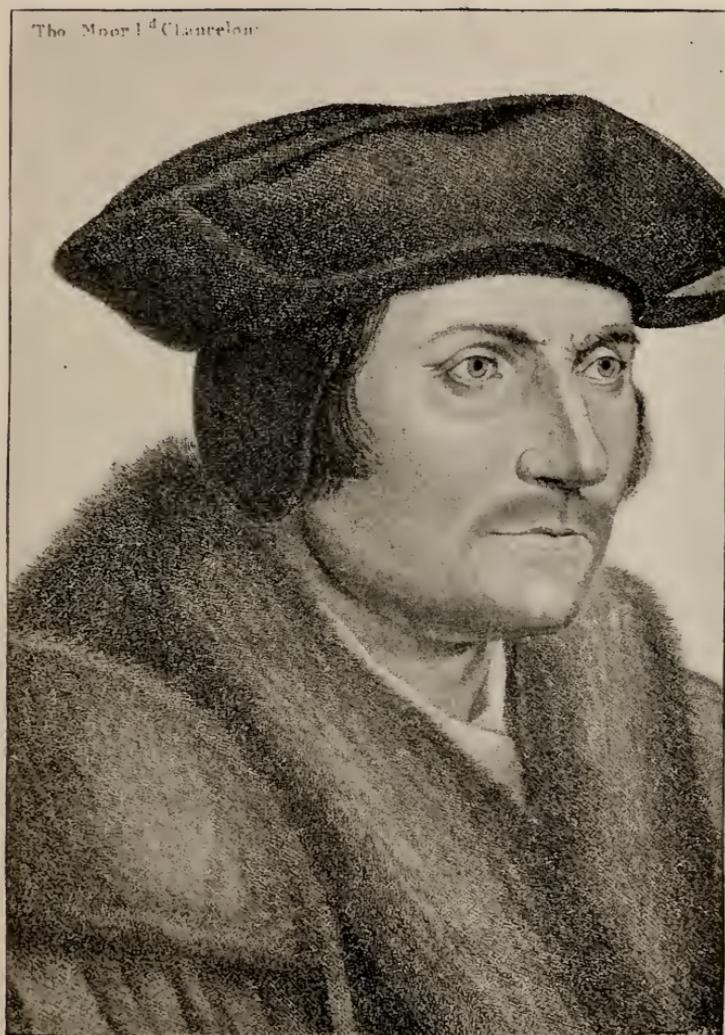
**H**ENRY VIII., the second son of Henry VII., who became heir-apparent on the death of his elder brother, Arthur, in 1502, ascended the Throne on April 22, 1509. He was eighteen years of age at the time, and one of the handsomest and most intellectually gifted of the Princes of Europe. The Coronation took place at Westminster Abbey on June 25, 1509.

The first Parliament of the reign met at Westminster on January 22, 1510. Sir Thomas Ingelfield of Berkshire, who was Speaker in 1497, and had been knighted by Henry VII., was again called to the Chair of the House of Commons. In the course of his speech at the Bar of the House of Lords he praised the King for the gifts of nature, fortune, and grace which God so liberally bestowed upon him, and enlarged

more particularly on His Majesty's "promising valour, wonderful temperance, divine moderation, and justice." The second Parliament of Henry VIII. met on February 5, 1512. The Speaker was Sir Robert Sheffield, one of the Knights of the Shire for Lincoln. He was succeeded in the next Parliament, which assembled on February 6, 1515, by Thomas Neville of Mereworth, Kent, one of the Members for that county, upon whom the King bestowed the dignity of knighthood.

Eight years elapsed before another Parliament was summoned. It met on April 16, 1523. The Speaker was perhaps the greatest man that ever sat in the Chair of the House of Commons, Sir Thomas More, though the lustre which his name and reputation carry undimmed through the centuries was obtained for virtue and genius unassociated with the Speakership. He was born in the City of London in 1478, the son of a barrister who subsequently became a Judge of the King's Bench, and was brought up in the household of Cardinal Morton, Archbishop of Canterbury. Having been called to the Bar, Henry VIII. gave him a position at the Court, and he rose so rapidly in the favour of the King that he was knighted in 1521, and received more substantial marks of the royal favour in the form of grants of land in Oxfordshire and Kent.

In the Parliament of 1523, More sat for Middlesex. It met not at Westminster, but in the monastery of the dark-robed Dominicans, known as "Black Friars," lower down the river Thames; and here it was that More, having been chosen Speaker on the recommendation of Cardinal Wolsey, then Lord Chancellor and all-powerful, was presented to the King for the royal approbation. He had a cultivated gift of speech, and no doubt a fine outburst of eloquence was expected of him on this interesting occasion. He began with the traditional affected protestation of unfitness for the office. He told the story of Hannibal, who went by invitation to hear the philosopher Phornico on chivalry. "What an arrant fool!" cried the warrior, "to presume to teach me, who am already master of chivalry and all the



SIR THOMAS MORE

FROM THE ENGRAVING BY T. CHEESMAN AFTER THE DRAWING IN CHALKS  
BY HOLBEIN AT WINDSOR CASTLE

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arts of war." "So," said More, "if I should presume to speak before His Majesty of learning and the well-ordering of Government, or suchlike matters, the King, who is so deeply learned, such a master of prudence and experience, might say to me as Hannibal said to Phornico." Wherefore he humbly besought His Majesty to command the Commons to choose another as Speaker. But the King had no intention of doing anything of the kind. Wolsey declared that His Majesty was well acquainted with More's wit, learning, and discretion, and therefore thought the Commons had selected the fittest person of them all to be Speaker.<sup>1</sup>

More then made two petitions to the King. The first was on his own behalf. If, when speaking for the Commons, he should by mischance mistake their message, "and for lack of good utterance, by my misreporting, pervert or impair their prudent instructions, it may then please your most noble Majesty of your abundant grace to pardon my simplicity," and give him liberty to confer with the Commons again, so that their "prudent advices and affairs" should not by his folly be hindered or prejudiced. The second petition was in the interest of the Commons. It was that the King should interpret every man's word, "how unseemly so ever couched," as inspired by zeal for the prosperity of the kingdom and the honour of His Majesty. More next proceeded to give a most interesting analysis of parliamentary discussion and oratory, which is still fresh and pertinent, for human nature remains the same amid the changes of the centuries. He said it could not be doubted that the House of Commons was an assembly of "wise and politique" persons.

"Yet, most victorious Prince," he continued, "sith, among so many wise men, neither is every man wise alike, nor, among so many alike, well-witted, every man alike well-spoken; and it often happeth that likewise as much folly is uttered with painted, polished speech, so, many boisterous and rude in language, see deep indeed and are of sound

<sup>1</sup> Hall, *Chronicles*, 652-3 (1809 edition).

judgment and prove the wiser counsellors. And sith also in matters of great importance, the mind is often so taken up in them, that a man rather studieth what to say than how; by reason whereof the wisest men and best spoken in a whole country, fortuneth, while his mind is ferment in the business, somewhat to speak in such wise as he would afterward wish to have been uttered otherwise, and yet no worse will had he when he spake it, than he hath when he would so gladly change it.”<sup>1</sup>

One of the first historic parliamentary scenes of which we have contemporary accounts occurred during More's Speakership. For the prosecution of the war with France the King demanded the then enormous sum of £800,000, to be raised by a tax of four shillings in the pound on all men's lands and goods; and, in order to overcome the expected opposition of the independent Members to the subsidy, Wolsey attended the meeting of the Commons. He came in state as Cardinal Archbishop of York, Papal Legate, Lord High Chancellor, the proudest and most powerful man in the Realm, second only to the King, fierce, rash, and impetuous, wearing his ecclesiastical crimson robes, attended by a retinue of prelates and peers in scarlet and gold, sure that with all this pomp and splendour he who was accustomed to drive his chariot with triumphant ease over the necks of his prostrate foes would easily overawe the Commons. But the Cardinal and Lord Chancellor, despite all his glowing magnificence, was coldly and sullenly received by the Commons. They were enraged and dismayed by this violation of the privacy of their deliberations, from which every outsider, however exalted, was by ancient right excluded. Wolsey made a great speech, which the House received in resentful silence. He had thrown himself against perhaps the strongest and most abiding passion that has ever and always animated the Commons—the upholding

<sup>1</sup> The speech is given at length, probably from a draft of it left by More in *The Mirrour of Vertue in Worldly Greatness, or The Life of Sir Thomas More, Knight, some time Lord Chancellor of England*, which was written by William Roper, More's son-in-law.

of the independence of their House. "Masters," said he, "you have many wise and learned men amongst you, and sith I am from the King's own person sent hither unto you for the preservation of yourselves and all the realm, I think it meet you give me some reasonable answer." Still, not a sound broke the spell of the impassive and resentful silence of the Commons. "Whereat every man holding his peace," says Roper in his *Life of Sir Thomas More*, "then began he to speak to one Master Marney, afterward Lord Marney. 'How say you,' quoth he, 'Master Marney?' who, making him no answer neither, he severally asked the same question of divers others accounted the wisest of the company." But no one spoke. As the custom was, only their spokesman, Mr. Speaker, should express their views. Then the reason of their silence appeared to dawn upon Wolsey. "Masters," he exclaimed, "unless it be the manner of your House, as in likelihood it is, by the mouth of your Speaker, whom you have chosen for trusty and wise (as indeed he is), in such cases to utter your minds, here is without doubt a marvellous obstinate silence."

The Cardinal and Lord Chancellor then turned to the Speaker and asked for an answer. More, as Speaker, was the defender of the liberties of the House. He did not meet this outrage on the privilege of the Commons by any daring and rash condemnation. On the contrary, he displayed the utmost deference of expression and demeanour, but at the same time he met Wolsey with the weapon he had best at command—the weapon of dialectical acumen. Humbly falling on his knees before the Cardinal and Lord Chancellor, he begged his Grace to excuse the silence of the House. The Commons, he said, were "abashed in the presence of so noble a personage, who was able to amaze the wisest and most learned in the land"; and, moreover, "for them to make answer was neither expedient nor agreeable with the ancient liberty of the House." More then went on to explain in an ingenious passage his own inability to give a reply to the Cardinal's question. It was true that all the Members had with their voices trusted

him as Speaker. "Yet," he added, except every one of them could put into his head all their "several wits, he alone in so weighty a matter was unmeet to make His Grace answer."

The Cardinal, thus baffled and beaten by the impassivity of the Commons and the intellectual acumen of their Speaker, departed in a rage. That evening he encountered the Speaker at a reception in his gallery at Whitehall. "I would to God you had been at Rome, Mister More, when I made you Speaker," he cried. "Your Grace not offended, so would I, too, my Lord; for then I should have seen the place I long have desired to visit," said More in a characteristic pleasantry.<sup>1</sup>

It is not so certain that More exhibited the manly and independent spirit with which Roper credits him. Wolsey in the end had his way in regard to the subsidy, and in getting it he was aided by More. In the State Papers relating to the times of Henry VIII. there is preserved a letter, written shortly after the dissolution of Parliament in the autumn of the same year, and addressed to the King "at your Manor of Hampton Court, the 24th day of August, by your most humber chaplain, T. Card, *Ebor*," which was delivered by More personally to Henry. It shows that More gave entire satisfaction to Wolsey by his conduct in the Chair, and that the most cordial relations existed between them.

Wolsey says: "And, Sire, whereas it hath been accustomed that the Speaker of the Parliaments, in consideration of their diligence and pains taken, have had, though Parliament had been right soon finished, above the £100 ordinary, a reward of £100 for the better maintenance of their household, and other charges sustained in the same." He adds: "I suppose, Sir, that the faithful diligence of the said Sir Thomas in all your causes treated in this your late Parliament, as well for your subsidy right honourably passed, as otherwise considered, no man could better deserve the same than he hath done; wherefore, your pleasure known

<sup>1</sup> See the biographies of More by his son-in-law, William Roper, and Cresacre More, his great-grandson.

therein, I shall cause the same to be advanced to him accordingly—ascertaining Your Grace that I am the rather moved to put Your Highness in remembrance thereof, because he is not the most ready to speak and solicit his own cause.”<sup>1</sup>

The fee and allowance to More as Speaker were confirmed by the King.

## CHAPTER XXVI

### THE SPEAKERS OF HENRY VIII

OVER six years elapsed before a new Parliament was summoned. It met under the shadow of mighty coming events. Wolsey was in disgrace for having exercised jurisdiction and authority as the Pope's Legate in usurpation of the King's power as established by the Courts of law. More succeeded him as Lord Chancellor, the first layman to fill an office that by ancient custom had hitherto been always held by an ecclesiastic.

The opening stage of the Reformation, the casting off by the Crown and Nation of allegiance to the Papacy under Henry VIII., was about to be enacted, to be further developed by the doctrinal changes introduced under Edward VI., and completed by the final establishment of the Protestant religion under Elizabeth.

The new Parliament met on November 3, 1529, and continued in existence for seven years. It was prorogued from year to year—an unusual course at this period of parliamentary history—until it was dissolved on April 14, 1536. The Assembly took place at the monastery of the Black Friars. Hall, in his *Chronicles*, relates that the Mass of the Holy Ghost was first solemnly sung. “And after the Masse,” he goes on, “the Kyng, with all the Lordes

<sup>1</sup> See Introduction by Mr. J. S. Brewer to the *Letters and Papers of the Reign of Henry VIII.*, vol. 3, part 1, p. cexli. This letter is also given in the Rev. T. E. Bridgett's *Life and Writings of Sir Thomas More*, pp. 193-4.

of the Parliament and the Commons which wer somened to apere at that day, came in to the Parliament Chamber, where the Kyng sat on his throne, or seate royal, and Sir Thomas More, his Chauncelor, standyng on the right hand of the Kyng, behynde the Barre, made an eloquent oracion." More concluded his speech with the following injunction to the Commons:—

"And because you of the Common house be a grosse multitude and cannot speake all at one time: Therefore the Kyng's pleasure is that you shall resorte to the nether house, and there amongst your self, accordyng to the olde and auncient custome, to chose an able person to be your common mouth and Speaker; and after youre election so made to advertise his Grace thereof, which wyll declare to you his pleasure what day he wil have hym present in this place."<sup>1</sup>

The Commons elected as Speaker, Thomas Audley, attorney of the Duchy of Lancaster, and Knight of the Shire for Essex. Parliament then adjourned to Westminster. On November 6, Audley was presented to the King, and, protesting that he lacked the wit, learning, and discretion necessary for the high office which had been imposed upon him against his will, besought His Majesty to cause the Commons to chose another as Speaker. Of course, the request met with the customary royal refusal. Audley, who was a Court favourite, had, in fact, been selected by Henry. "The Kyng," says Hall, "by the mouth of the Lord Chancellor, answered that where he disabled hym selfe in wit and learnyng, his own ornate oracion there testified the contrary; and as touching his discretion and other qualities, the Kyng him self had well knowen him and his doynge, sith he was in his service, to be both wise and discrete, and so for an able man he accepted him, and for the Speaker he him admitted."

Audley was Speaker for four years of the Parliament. In May 1532, More, finding himself unable conscientiously to support Henry in seeking to obtain from the Pope a Bull

<sup>1</sup> Hall, *Chronicles*, 764.

to divorce the first of his wives, Catherine of Aragon, with a view to his marriage with Anne Boleyn, resigned the office of Lord Chancellor. The Great Seal was given by the King to Audley. He was called Keeper of the Great Seal, the title of Lord Chancellor being withheld from him, though he discharged all the legal duties of the office, in order that he might still continue to act as Speaker. In January 1533 he was constituted Lord Chancellor, and thereupon resigned the Speakership.

The next occupant of the Chair of the House of Commons was Humphrey Wingfield, who was also a lawyer, and a Knight of the Shire for Suffolk. He was chosen on February 5, 1533, and acted as Speaker until April 4, 1536, when the Parliament—the longest that had yet been held—was after many prorogations finally dissolved.

Within a month of the dissolution of the Reformation Parliament, which is sometimes also called the "Black Parliament," writs were issued for a fresh election under the pressure of trouble in the domestic life of the King. The Houses assembled at Westminster on June 8, 1536, and the Parliament was opened by Henry with a new Queen, Jane Seymour, whom he had married the day after Anne Boleyn was beheaded on Tower Hill, about a fortnight previously.

Sir Richard Rich, Member for Essex, was appointed Speaker. Born in the City of London, he was bred to the law, and in 1533 was appointed Solicitor-General and knighted. He was one of the meanest unscrupulous tools in the hands of Henry VIII., and, indeed, throughout his life was a typical time-server, taking care always to be on the winning side. At the trial of More he played a detestably base part. He was examined as a witness, and by retailing a private conversation which he alleged he had with More in the Tower of London, supplied just the evidence that was deemed necessary to condemn More for high treason. More, he said, protested, among other things, that Parliament had no more right to set aside the Pope and make Henry the supreme head of the Church than it had to

declare that God should not be God. "In good faith, Mr Rich," said More, after hearing his evidence, "I am more sorry for your perjury than for mine own peril."

On presenting himself to the King as Speaker, Rich made a most fulsome speech in praise of Henry. It is recorded in the *Journals of the House of Lords* in Latin, the language in which for many years the Clerk of the Parliaments learnedly kept his records. Rich began by extolling the King for his amazing gifts of mind and person. He was like Solomon for his justice and prudence, Samson for strength and fortitude, and Absalom for beauty and comeliness. As for himself, he was but a worm grovelling in the mire. The Commons had unaccountably chosen him, "the most unworthy of them all," for the exalted honour of the Speakership. Surely the King would see that he had not the learning, experience, and boldness fit for the office, and accordingly would at once direct the Commons to appoint another in his place. But the King, speaking through Lord Chancellor Audley, refused to look upon Rich's excuses as just.<sup>1</sup>

The Parliament was very brief. It lasted only five weeks. At its dissolution, Rich again addressed the King in terms of flattery more exaggerated still. His Majesty was now like unto the sun. Just as the sun expels all noxious vapours and brings forth the seeds, plants, and fruits necessary for the support of human life, so the King, he said, enacted only such laws as would be a defence to the good and a great terror to evil-doers.<sup>2</sup>

The next Parliament of Henry VIII. assembled at Westminster on April 28, 1539. After High Mass of the Holy Ghost, which was celebrated at Westminster Abbey, there was a grand procession to the Palace of Westminster of the King, attended by the officers of the Household, the Lords

<sup>1</sup> *Lords Journals*, vol. I, p. 101.

<sup>2</sup> In the reign of Edward VI., Rich was made a peer and appointed Lord Chancellor. Under Mary, according to Foxe's *Book of Martyrs*, he was active in burning Protestants in Essex, where he had his country seat, regarding it, no doubt, as an agreeable recreation in his retirement from public life.



and the Commons. Nineteen abbots appeared in the House of Lords for the last time this session, for by the dissolution of the great monasteries the ancient monastic life was brought to an end in England.

The Speaker chosen by the Commons was Sir Nicholas Hare, one of the representatives of Norfolk, by whom the long line of lawyers as occupants of the Chair was continued.

On February 23, 1540, Hare, while still Speaker, was deprived of his offices and committed to the Tower by order of the Star Chamber. According to Hall's *Chronicles*, his offence was that, with other King's counsel, he advised Sir John Skelton how to make a fraudulent will to the violation of the Sovereign's prerogative. He was released, however, in the Easter term of 1540, and on April 12, when a new session of the Parliament was opened, he was again in the Chair.

On July 24, 1540, when Henry dissolved the Parliament, Hare addressed His Majesty in a speech in which he compared the English Constitution to a microcosm "in which the King was the head, the Peers the body, and the Commons the rest of the machine"; and, turning from political philosophy to courtly adulation, he "congratulated the kingdom, and thought great praises were due to God, for the blessing of such a ruler" as Henry VIII.

Sir Thomas Moyle, a Cornishman, who sat for Kent, and a lawyer, was Speaker in the Parliament of 1542. Of him it is recorded that in his speech to the King he was the first to include in his petitions on behalf of the Commons the claim for freedom of speech.

Henry, at the opening of the Parliament, received a remarkably loyal greeting from the Estates, of which the inspiration was the discovery of the unfaithfulness of his fifth wife, Catherine Howard. Lord Chancellor Audley, in a long speech, extolled the understanding and wisdom of His Majesty. At each mention of the King's name every peer rose from his seat and bowed; and at the conclusion of the address Lords and Commons together went on their knees in thanksgiving to God for His goodness to them in having

permitted so great a prince to rule over them so long.<sup>1</sup> The session was also marked by a constitutional departure, owing to this fresh domestic trouble of the King. The Bill for the attainder of the Queen on a charge of high treason having passed both Houses, His Majesty, at the solicitation of Lords and Commons, spared himself the grievous distress of appearing at Westminster in person to listen to the recitation of it, and conveyed the Royal Assent by Letters Patent issued under the Great Seal.<sup>2</sup>

There were two other Parliaments of Henry VIII.—one of which met on January 30, 1545, and the other on November 23, 1545. All the contemporary authorities are curiously silent with regard to the Speakers. It may be that Moyle was re-elected in both Parliaments.

The first session of the second of these Parliaments was prorogued by the King on Christmas Eve, 1545. The usual address was made by the Speaker, and it contained the customary compliments to the Sovereign. The Lord Chancellor rose to reply in the King's name, when Henry unexpectedly intervened and asked to be allowed to speak in his own person. His remarks are deeply interesting, for they give his view of the flattering orations of the Speakers. He said he regarded such expressions as rhetoric, intended to put him in remembrance of qualities which he lacked, and which he would use his endeavours to obtain, if the Commons helped him with their prayers.<sup>3</sup> This was the last appearance of Henry VIII. before the Lords and Commons. He died on the following January 28, 1547.

<sup>1</sup> *Lords Journals*, vol. I, p. 164.

<sup>2</sup> *Ibid.*, pp. 171-6. This course has now for many years been invariably followed in giving the Royal Assent to Bills that have passed both Houses.

<sup>3</sup> Hall, in his *Chronicles* (p. 864), gives the speech, "as near as I was able to report it."

## CHAPTER XXVII

## UNDER EDWARD VI. AND MARY

IN the succeeding reign of Edward VI. there were only two Parliaments. The first assembled at Westminster on November 4, 1547. It was opened in person by the boy King, then only ten years of age, accompanied by his uncle, the Duke of Somerset, who was appointed Protector. Sir John Baker, Member for Huntingdonshire, was appointed Speaker. The Parliament lasted, with several prorogations, for nearly five years. In its first session the meeting-place of the Commons was changed from the Chapter House of Westminster Abbey to St. Stephen's Chapel in the Palace of Westminster. This ancient chapel, dating back to the reign of Edward I., became vested in the Crown on the passing of the statute for the suppressing of free chapels in the reign of Henry VIII., and was allotted by Edward VI. for the accommodation of the Commons. Here the elected representatives of the people held their sittings, with but few exceptions, until the old Palace of Westminster was destroyed by fire in 1834.

The second and last Parliament of Edward VI. assembled at Westminster on March 1, 1553. The King was so far gone in consumption that he was unable to go to Westminster, and accordingly both Houses proceeded to the Palace of Whitehall, when the Parliament was opened in the presence of the sick Sovereign. James Dyer, Member for Cambridgeshire, was appointed Speaker.

His election is the first recorded in the *Journals of the House of Commons*, which began with the meeting of the first Parliament of Edward VI., though there is no mention in them of its Speaker, Sir John Baker. The account in the *Journals* of the opening of the second Parliament states that "before the King's Majesty in his royal seat at the Palace in the Waiting Chamber," the Lord Chancellor (Lord Rich) declared the causes for the calling of the

Parliament, and "shewed the King's pleasure to be that the Commons at their accustomed place should choose their Speaker." The first official description of the election of a Speaker is as follows: "On Thursday, 2<sup>o</sup> Martii, was chosen to be Speaker, first nominate by Mr. Treasurer of the King's House, the right worshipful Mr. James Dyer, one of the King's Majesty's Servients at the Law, and set in the Chair." This was on Wednesday. On the Saturday following, at 2 o'clock in the afternoon, Dyer was presented to the King at the Palace of Whitehall. "Mr. Speaker," says the *Journals*, "made his ornate oration before the King's Majesty, in his Royal Seat at the Waiting Chamber aforesaid, all the Nobles and Commons called to the Parliament then and there attendant."<sup>1</sup> The Parliament lasted only a month. It was dissolved on March 31, 1553. The King died on the following July 6, in the sixteenth year of his age.

Mary, daughter of Henry VIII. by his first wife, Catherine of Aragon, was forty-seven years old when, on the death of Edward, she succeeded to the Throne. A fervent Roman Catholic, she at once proceeded to abolish the Protestantism set up by her father and step-brother. In those times every Sovereign found in Parliament a convenient and docile instrument for effecting his or her own particular policy, no matter how violent a departure it might be from what had been done before. As Parliament subserviently decreed whatever seemed serviceable to Henry VIII. and Edward VI., for the transfer to the Crown of all the ecclesiastical powers and privileges hitherto acknowledged to have been vested in the Pope, and the establishment of the Protestant Church in England, so, under Mary, Parliament with equally singular obsequiousness passed any measure that was thought necessary by the Queen to restore the ancient Roman Catholic faith to its pristine glory in the land. All the Acts in favour of the Reformation were repealed. Married clergymen were expelled from their parishes. Celibacy was restored as a condition of the priesthood. The Protestant prayer-book

<sup>1</sup> *Commons Journals*, vol. 1, p. 24.

of Edward was burned. The Mass was revived as the form of public worship.

The first Parliament of Mary met at Westminster on October 5, 1553. The opening of the Assembly was preceded by the singing of the High Mass of the Holy Ghost in Westminster Abbey, at which the Queen and the Lords and Commons were present. Once more the office of Lord Chancellor was filled by a prelate, Gardiner, Bishop of Winchester, who lay in the Tower during the reign of Edward VI. The Speaker chosen by the Commons was John Pollard, a Devon man, who sat for Oxfordshire. According to custom, he was the selection of the Court. The *Journals* record runs:—

“And immediately at the Common House, by the first motion and nomination of Mr. Treasurer of the Queen’s House, the worshipful Mr. John Pollard, Esquire, excellent in the Law of this Realm, was chosen to be Speaker and sat in the Chair.”

It was in the second Parliament of Mary, which met at Westminster on April 2, 1554, that the long succession of Knights of the Shire as Speakers was broken by the appointment of a citizen to the Chair. This was Robert Brooke, Member for the City of London. But he was a lawyer,—serjeant-at-law and Recorder of London,—so that the monopoly of the Speakership by gentlemen bred to the law nevertheless remained uninterrupted. An Act was passed by this Parliament authorizing the marriage of Mary with Philip of Spain. Brooke was shortly afterwards knighted and made Chief Justice of the Common Pleas.

The most notable Parliament of the reign was the next—the first Parliament of Philip and Mary,—which met on November 12, 1554. It was thoroughly Roman Catholic in its sympathies. Following the example of almost all her ancestors on the Throne, Mary took care that Parliament should be packed with supporters of her policy. In a letter to the Sheriffs, as returning officers, she commanded them to admonish her good loving subjects to return to the

House of Commons, knights, citizens, and burgesses "of the wise, grave, and Catholic sort." In this Parliament sat Clement Heigham, for the borough of Portpigham, otherwise West Looe, in Cornwall. He came of an ancient Suffolk family, and was a strong adherent of the Roman Catholic faith. The Commons, according to the *Journals*, "did elect and choose the Right Worshipful Mr. Clement Heigham, Esquire, one of the Privy Council, to be their Mouth and Speaker, who was brought to the Chair by Mr. Treasurer and Mr. Comptroller." Here is also recorded for the first time in the *Journals* the Speaker's petition for the privileges of the House of Commons made at the commencement of every Parliament. "Mr. Speaker," says the *Journals*, dealing with the presentation of Heigham to their Majesties, "made an excellent oration, comparing a body politick to a body natural, and in the end made three petitions, namely—for Free Speech in the House, privilege from Arrest and Troubles for the Common House and their Servants, and to have access to the King and Queen for the cases of the House, which, being granted, the Lord Chancellor prorogued the Court until the Saturday following."<sup>1</sup>

There was a brief Parliament in 1555, lasting from October 21 to December 9, in which John Pollard, who now sat for the borough of Chipenham, was again Speaker of the House of Commons. The last Parliament of Philip and Mary met on January 20, 1558. William Cordell, knight of the shire for Suffolk, was chosen Speaker. One of his observations, interesting from a Speaker of the House of Commons, has been preserved in Lloyd's *State Worthies*. "There is no man that talks, but I may gain by him; and none that holds his tongue, but I may lose by him." While still Speaker he was knighted by the Queen and appointed Master of the Rolls. The Parliament was dissolved by the death of Mary on November 17, 1558.

<sup>1</sup> *Commons Journals*, vol. 1, p. 37.

## CHAPTER XXVIII

## THE ELIZABETHAN PARLIAMENTS

ELIZABETH was in her twenty-fifth year on her accession to the Throne. She was crowned at Westminster Abbey on Sunday, January 15, 1559. Meantime the writs had been issued for the election of a new Parliament. The Protestant religion was to be restored and finally established. "The Catholics," says Froude, "left the field to their adversaries, and town and country chose their representatives among those who were most notorious for their hatred of popes and priesthoods." The Parliament assembled at Westminster on January 23, 1559. It was opened by the young Queen in person.

Sir Nicholas Bacon (father of the more famous Lord Chancellor, Francis Bacon) having explained to the Lords and Commons the causes for which they had been summoned, concluded by declaring the Queen's pleasure to be that the Commons should repair to their accustomed place and there choose their Speaker. Sir Thomas Gargrave, a soldier as well as a lawyer, who represented the county of York, was the selection of the Commons. He was nominated by "Mr. Treasurer of the Queen's House," according to D'Ewes' *Journals*. And now evidence is forthcoming, for the first time, that it was customary for the Speaker humbly to protest his incapacity on being led to the Chair in the House of Commons, as well as subsequently to the Sovereign at the Bar of the House of Lords. Gargrave declared to the Commons his utter unfitness for the post, and appealed to them to select some one else more able and worthy. But his protests were unheeded. He was led reluctantly to the Chair, and placed in it. "Having sat awhile covered," says D'Ewes, "he arose, and so standing bare-headed he returned his humble thanks to the whole House for their good opinion of him, and promised his best and uttermost endeavour for the faithful dis-

charge of the mighty place to which they had elected him."<sup>1</sup>

In fact, out of the fabric of secrecy in which they had so sedulously enclosed themselves for centuries, the Commons have now emerged. No glimpse whatever was afforded us of the aspect of the interior of the Chapter House of Westminster Abbey as the Commons sat there in deliberation. But the doors of St. Stephen's Chapel have been unlocked to us, and we can gaze on the scene inside as long and as curiously as we please. The *Journals of the House of Commons*, which began in 1547—twelve years before the period at which we have now arrived, tell us not only of the things that were done, but how they were done, with many refreshing descriptive details. There are also some contemporary accounts of the House of Commons and its proceedings, written by Members who, moved by a human interest in things, took notes which happily were put into print, though not until the writers were long since dead and gone.

The first of those authorities who have thus enabled us clearly to see the Speaker in the Chair, for the first time, is Sir Thomas Smith, Secretary of State in the reigns of Edward VI. and Elizabeth, who wrote *The Commonwealth of England*, the first descriptive account extant of the procedure of the Houses of Parliament. He died in 1577. That was exactly two centuries after the first Speaker was appointed. The next writer was that learned antiquary, John Hooker, who went to Ireland in the sixth decade of the sixteenth century, and from his previous experiences as a Member of the English House of Commons compiled *The Order and Usage of Keeping of the Parliaments in England* for the guidance of the Irish House of Commons, to which he was also returned. The next authority, and the most valuable of all, is Sir Simonds D'Ewes, a Puritan Member of the Long Parliament during the Civil War, who collected *Journals of all the Parliaments during the Reign of Queen Elizabeth*.

On the opening of a new Parliament the Sovereign sat

<sup>1</sup> D'Ewes, *Journals*, 15-17.



on the Throne in the House of Lords, surrounded by the three Estates of the Realm, the Lords spiritual and temporal, and the Commons. Since the reign of James II the Speaker has been elected before the Sovereign makes the Speech from the Throne. In the time of Elizabeth the ancient custom prevailed of the causes for the summoning of the Parliament being first declared before the Commons were commanded by the Sovereign to choose a Speaker. This direction or permission from the Crown appears—as I have already stated—for the first time on the occasion of the election of Sir Arnold Savage to the Chair, 1401, in the second Parliament of Henry IV. After that it regularly occurs. By the time of Elizabeth it is regarded as an indispensable proceeding, without which the choice of a Speaker would be null and void.

The Commons, having thus got the authority of the Crown to elect a Speaker, retired to St. Stephen's Chapel. Were they, at this time, free and untrammelled in their selection? Sir Thomas Smith, who as a Secretary of State ought to know, says the Speaker was commonly appointed by the King or Queen, though accepted by the assent of the Commons. Sir Edward Coke, the eminent lawyer, who also ought to know, for he was an Elizabethan Speaker, says in the Fourth of his *Institutes* :—

“It is true that the Commons are to choose their Speaker, but seeing that after their choice the King may refuse him, for avoiding the expense of time and contestation, the use is that the King doth name a discreet and learned man, whom the Commons elect.”<sup>1</sup>

On the other hand, D'Ewes asserts that the choice of Speaker lay absolutely with the Commons. But it can hardly be disputed that until the Revolution, at least, if the Speaker was not actually nominated by the Crown, the Commons were guided in their selection by the wish of the Sovereign, or his most intimate advisers and servitors. In times of national crises, when the interests of Crown and

<sup>1</sup> *The Institutes of the Laws of England*, part 4, p. 8 (1648).

people came into conflict, the Sovereign, with a view to the return of a complaisant House of Commons, interfered, as we have seen, in parliamentary elections to the extent of commanding the Sheriffs to secure the election of reliable Members. It may be inferred from this that the Sovereign also used his tremendous influence and power to induce, if not to compel, the Commons to elect a Speaker devoted to his cause. He was not so much concerned to know the wishes and claims of the House of Commons, as to secure its co-operation in the carrying out of his designs, which he could not effect without its help. We therefore find at this period the Speaker, as the servant of the King, not only advising the House as to the course it should take, but actually enjoining that this must be done, or that.

During the long reign of Elizabeth, extending to forty-five years, only ten Parliaments were summoned. In these Parliaments the Speaker was invariably proposed by a Member of the Queen's Council or an officer of the Household,—dependent on the good graces of the Sovereign,—and the royal nominee was always a lawyer. In the earlier Parliaments there was an objection to lawyers, because they seemed to have more at heart their professional advancement than the interests of the nation. By a statute passed in 1372, and renewed in 1404, lawyers were made ineligible for membership of the House of Commons. This ban, however, had long since been removed. Gentlemen bred to the law were returned to Parliament in large numbers. Indeed, from the reign of Henry VII. to the Revolution, a period of two hundred years, the Chair was held by lawyers in succession, except in the solitary instance of Sir Edward Seymour,—a noted Speaker in one of the Parliaments of Charles II.,—and he was ultimately sacrificed to the royal disapprobation. Probably it was not easy to find outside the lawyers, gentlemen trained in the management of affairs, and with the needful knowledge of Constitutional law and procedure successfully to fill the position of Speaker. But it is to be feared that the chief reason why sturdy and independent squires were set aside

and lawyers were nominated for the Chair by the Crown, was that the very calling of the lawyers made them obsequious and subservient to the will and passions of the Sovereign, for it was only by the Crown their desire for advancement in their profession could be gratified.

Thus the Speaker was at once the mouth of the Commons and the servant of the King. His duties in these separate and distinct capacities were often conflicting. But the Commons could confer on him no rewards or honours. Neither could they punish him for betraying them, if while false to them he was true to the King. He was recompensed solely according to his zeal for the interests of the King. Only through the good grace and pleasure of the King could his ambition be realized. And if from the King he had everything to gain, so from the King he had everything to lose, save the approval of his conscience; for with the King lay also the power of depriving him of liberty, of property, and even of life.

Was there much scheming and contriving, much exercise of influence and pressure, on behalf of rival claimants or candidates for this high post of distinction and advancement? One would suppose, from the disabling speech of the Speaker-elect, that his nomination took him completely by surprise, that he had no wish for so exalted a position, that he felt himself incapable of discharging its duties, that he was content with the greater freedom and less responsibility of an obscure Member. But even in the reign of Elizabeth these apologies were regarded as insincere, or simply inspired by the pride that apes humility. "The excuse of the Speaker," says D'Ewes, "is at this day merely formal and out of modesty. For he first excuseth himself unto the Commons when they elect him, and afterwards to the Sovereign when he is presented. But antiently it seemeth they were both hearty and real, or else no excuse at all was made." In truth, each Speaker, despite the impression he intended to convey that he was ignorant he had been designated by the Crown for the office till his name fell from the lips of the Court official in the House of Commons; despite

also his self-abasements and declarations of unwillingness to serve, was quite ready, even at this apparently shortest of notice, to take the office, for he knew as a lawyer that it was the gate to preferment and high judicial office. It was an age, indeed, in which complete disinterestedness was the rarest of all virtues.

Then, as now, the Commons were summoned to the "Upper House" by the Gentlemen-Usher of the Lords, commonly called "Black Rod," the day after they had selected a Speaker, to present their choice for the royal approval. They went immediately to the House of Lords, "and being let in as many as conveniently could,"—so D'Ewes relates—the Speaker-elect "was led up to the Rail or Bar at the lower end of the said House by two of the most honourable personages of the House of Commons," where, "after three reverences to Her Majesty, he modestly and submissively excused himself as being unable to undergo the many and great difficulties of the weighty charge." As a frontispiece to D'Ewes' *Journals* there is a rude but very interesting woodcut of the scene during the reign of Elizabeth. The work, it should be mentioned, was not published until 1682, nearly thirty years after the death of D'Ewes and eighty years after Elizabeth held her last Parliament. It suggests perplexing questions to which no answers are forthcoming. Three unfamiliar features in the picture at once attract the eye that has often looked upon the same spectacle in the nineteenth and twentieth centuries. The first is the dress of the Speaker as he stands at the Bar, facing the Queen on the Throne. He is arrayed in the flowing black gown, but is bareheaded. The big grey wig did not become a permanent part of the Speaker's attire until the first half of the eighteenth century. Arthur Onslow is supposed to have been the first Speaker who wore it.<sup>1</sup>

<sup>1</sup> Lord Acton, in his *Historical Essays and Studies* (p. 387) says: "Garlach, the leader of the Prussian Conservatives, used to say that what he admired most in England was Mr. Speaker's wig. For when he spoke of it as a time-honoured relic, an historically minded Englishman told him that it was nothing of the sort, but quite a modern institution, not two centuries old."

It is noticeable also that the three Clerks at the Table are kneeling while they ply their quill-pens. But the most unexpected detail is that the Serjeant-at-Arms, standing to the left of the Speaker—Black Rod being on his right—is seen carrying the Mace. It is difficult to suppose that this is a mistake of the artist. And yet, so far as subsequent records show, the Mace has not been permitted entrance to the Lords' Chamber since early in the eighteenth century at least, save when the Speaker has gone to the Upper House to demand an impeachment on behalf of the Commons. The symbol of the Speaker's authority is humbly left at the threshold of the House of Lords in the charge of a House of Commons' attendant. Even D'Ewes noticed that in the progress of the Speaker-elect across the lobbies between the Lords and Commons the Mace was carried by the Serjeant-at-Arms—as he carries it now on similar occasions—in the curve of his left arm, and not shoulder-high, in which manner it is borne only after the Speaker-elect has been approved by the Sovereign.

If we may believe the Speakers at the Bar of the House of Lords, all the Sovereigns were, without exception, of noble mien, of surpassing beauty of face and grace of form, of puissant wisdom and understanding, while they themselves were poor and miserable creatures, fit only to lick the dust from the soles of the royal feet. It remained for the lawyers who occupied the Chair in the Tudor period to carry this traditional self-debasement, coupled with adulation of the Sovereign, to the last phase of whimsical absurdity. Each Speaker endeavoured particularly to surpass all his predecessors as an inventor of fantastic phrases of compliment and ornaments of figurative diction, with respect to the Sovereign's mental gifts and physical attributes. Bacon, in his essay *Of Praise* (written in 1612), has a passage which perhaps discloses the true inwardness of these fulsome flatteries. He says there is a form due in civility to kings and great persons, "when by telling men what they are they represent to them what they should be." It will be remembered that Henry VIII. gave expression to the same

thought in his last speech in Parliament. Or was it that the inspiring motive was the desire of the Speakers to win the favour of the Crown, upon whose good graces they depended for advancement and rewards? At any rate, we can smile indulgently at the absurd and unexpected struttings and posturings, conceits and ecstasies, of these grave and reverend gentlemen of the long robe, in the presence of the Sovereign at the Bar of the House of Lords. Maybe they, too, smiled at themselves "in their sleeves"—a saying that has come down from these very Tudor times, when gowns with wide sleeves were the fashion.

The scene within the House of Commons is also pictured for us. Sir Thomas Smith makes the first reference to the Chair, which is described as a high seat giving the Speaker a commanding view of the Chamber. The powers of the Speaker are also defined. He had no control over the course of business. Hallam says that Members called confusedly for the business they wished to have brought forward. D'Ewes records an incident illustrative of the jealousy with which the House restricted the influence of the Speaker to the utmost possible extent. Probably with a view to obviate the confusion to which Hallam has referred, a Member suggested that the Speaker might appoint the order in which Bills should be read; and the House expressed its disapprobation by hissing. "The Speaker has no voice in the House," says Smith, "nor will they suffer him to speak in any Bill to move or dissuade it." Hooker also furnishes particulars of the extent of the Speaker's powers. "His office is to direct and guide the House in good order, and to see the ordinances, usages, and customs of the same to be firmly kept and observed." "If any speak to a Bill, and he be out of the matter, he shall put him in remembrance and will him to come to the matter." "Also, if any of the House do misbehave himself, and break the order of the House, he hath to reform, correct, and punish him, and yet with the advice of the House."

It is clear from all this that in the time of the Tudors

the office of Speaker had reached a high stage of development. It was an institution established on a stable and lasting basis. Henceforth we can observe it, undergoing many transformations as time moves on, shaped by the Commons to a more exact adaptation to their needs as conditions changed, also modified, deflected, or retarded in its evolution by the individual action of strong Speakers, or even by mere accident, but on the whole adding to and enlarging its functions and responsibilities.

## CHAPTER XXIX

### THE FIRST ONSLOW AS SPEAKER

THE second Parliament of Elizabeth assembled on January 12, 1563. On the nomination of Sir Edward Rogers, Comptroller of the Queen's Household, Thomas Williams, a Devon man, who sat for the city of Exeter, was chosen Speaker by the Commons. His appointment is the subject of the fullest of the earliest contemporary descriptions of the ceremony of electing to the Chair. D'Ewes is the reporter, and he says:—

“Immediately the Commons resorted to their Common House, where, after they were set, Mr. Comptroller, standing up, rehearsed the Lord Keeper's oration for the election of a Speaker, and said that in his opinion Mr. Thomas Williams, Esq., one of the Fellows of the Inner Temple, being grave, learned, and wise, was very meet to that Office, whereupon the whole House with one entire voice cried, ‘Mr. Williams, Mr. Williams!’ And then Mr. Williams, standing up and reverently disabling himself, required the House to proceed to a new election, unto whom Mr. Secretary Cecill answering that the House had gravely considered of him, and therefore required him to take the place, and he approaching was led and set in the Chair by Mr. Comptroller.”<sup>1</sup>

<sup>1</sup> D'Ewes, *Journals*, 79.

This Parliament continued for four years, though its sittings were few, for often when it met for the transaction of public business it was immediately prorogued on account of the plague and pestilence which were then rife in London. The death of Williams on July 1, 1566, caused a hitherto unprecedented parliamentary situation. It was the first death of a Speaker during his term of office. When the Parliament met on the following September 30, the Commons were puzzled as to how they should act in the circumstances. They decided to seek advice of the Lords. Headed by Sir Edward Rogers, Comptroller of the Queen's Household, and Sir William Cecil, her Majesty's Principal Secretary, they went in a body to the House of Lords, and reported to the Lord Keeper and the assembled peers their untoward position. "Their Speaker," they said, "was bereft from them by death, which had been openly and manifestly made known and testified unto them, for remedy of which defection they humbly prayed their Lordships' advice."<sup>1</sup>

It was decided to report the matter to the Queen. On the next day the Lord Keeper read to the assembled Lords and Commons a Commission from the Queen, under the Great Seal. It directed him in Her Majesty's name "to will and command the knights, citizens, and burgesses of the said House of Commons to resort unto their accustomed place, and there to elect and choose amongst themselves one able and sufficient person to be their Speaker for the rest of this present Parliament yet to come."

The choice of the Commons was Richard Onslow, Solicitor-General, who sat for the borough of Steyning in Sussex. His duty as law officer required him frequently to attend the House of Lords, and as he was to remain Solicitor-General he urged in his speech to the Commons disabling himself that this was a disqualification for the Chair. Many of the Members took him at his word, though, doubtless, it was not seriously intended, for a division

<sup>1</sup> D'Ewes, *Journals*, 95.



took place,—the first recorded on the election of a Speaker,—and by eighty-two votes to sixty his nomination was carried.

Onslow, who thus became Speaker without ceasing to be Solicitor-General, was the younger son of Roger Onslow of Shrewsbury. He married the daughter and heiress of Richard Harding of Knoll, Surrey, and from him were to descend two other Speakers, Sir Richard Onslow, in the reign of Queen Anne, and the more celebrated Arthur Onslow, in the reign of George II. On his presentation to Queen Elizabeth for the royal approval, Richard Onslow made an odd speech. It illustrates the extent to which, in obedience to a curious parliamentary tradition, the great, wise, and learned men selected for the Speakership indulged in the exquisitely absurd performance of childish make-belief in their incapacity, supplicating the Sovereign to intercede between them and the Commons, and save them from a responsibility beyond their powers. The Commons "have commanded and forced me, to my great grief," said Onslow, to announce to Her Majesty that they had chosen him as Speaker; "and," he proceeded, "for that I would not be obstinate, I am forced to wound myself with their sword, which wound, yet being green and new, Your Majesty, being the perfect physician, may cure in disallowing that which they have allowed, for that, without your consent, is nothing." He pleaded several causes of his unfitness for the post. One protestation may be set forth in his own carefully selected phrases of humiliation—uttered, no doubt, in a voice of suitable dolorous pitch, or quavering humbleness:—

"For, first, I consider I have to deal with many well learned, the flower and choice of the realm, whose deep understanding my wit cannot attain to reach into. No, if they, for great carefulness, would often inculcate it into my dull head, to signify the same unto Your Highness, yet my memory is so slippery by nature and sickness that I should lose it by the way. Yet, if perhaps I kept part thereof, I have no other knowledge to help myself withal, but a little in the law, far inferior to divers in this House, and so should

want learning and utterance to declare their meanings, as it requireth, especially when I consider Your Royal Majesty, a Princess endowed with so many virtues, learning, and flowing eloquence, it will abash and astonish me, and therefore finding these infirmities, and others in me, I think myself most unworthy of this place."

But the Queen announced through Sir Nicholas Bacon, the Lord Keeper, that as Onslow was chosen so he must serve. And she did so, not in spite of Onslow's protestations, but because of them. Like every Speaker who had preceded him, in striving to escape from the Chair he had but tightened the bonds that bound him to it. He had overreached himself. The rôle of simpleton was played by him unconvincingly. He established his possession of ability by the very way in which he depreciated his capacity. It was easy, therefore, for the Queen to see through this attempt to awaken her royal pity and consideration for an undeserving object. To add to the comedy of the occasion, Her Majesty possibly assumed an air of well-affected surprise. "In disabling yourself you abled yourself," said the Lord Keeper, on behalf of the Queen, to Onslow in a compliment that, even thus early, was time-worn, so often had it been used on similar occasions.

And Onslow received the pronouncement of his fate with the utmost fortitude and composure. Indeed, how taken aback he would have been had the Queen accepted him at his own valuation, and commanded the Commons to select a fitter Speaker! He would have returned to "the nether House" in desolate eclipse. For he was an ambitious and aspiring man, and wished for the Chair of the House of Commons as a stepping-stone to higher things.

Onslow then made two petitions to the Queen: one on behalf of the Commons, for "free access to Her Highness," and the other on his own behalf, for pardon if he should unwittingly fall into error in the discharge of his duty as Speaker. He is taken to task by D'Ewes and scolded for that he "did very ignorantly omit, or carelessly forget to mention, those other ancient and undoubted privileges of

the same House, viz., liberty of speech and freedom from arrest for themselves and followers." D'Ewes goes on to offer this excuse for Onslow's remissness: "or else, perhaps, he thought and conceived that those said rights of the House were so evident and unquestionable as they needed no further confirmation."<sup>1</sup> But Onslow acted strictly according to precedent. The claims for liberty of speech and freedom from arrest were made by the Speaker then, as now, only at the meeting of a new Parliament.

## CHAPTER XXX

### ELIZABETH AND THE COMMONS

UPWARDS of four years elapsed before Elizabeth summoned another Parliament. It met on April 2, 1571, and had a short existence, for before May was out it was dissolved. The Speaker was Christopher Wray, serjeant-at-law, who represented Ludgershall, a borough in Wiltshire. He made the usual petitions to the Queen on behalf of the Commons for freedom from arrest, free access to Her Majesty, consideration for any mistaken thing which might be said by them, and free speech for all in the House of Commons.

The artificiality of the passages between the Commons and the Sovereign on these occasions was for once relieved by the introduction of a note of sincerity. It was a stern expression of royal disapprobation, indicating two momentous things—the extension by the Commons of the subjects which they considered themselves entitled to discuss, and the resolute stand of the Crown against it as an unwarrantable constitutional innovation. Lord Keeper Bacon, speaking for the Queen, declared that Her Majesty most readily granted the first three of the Speaker's petitions. "The fourth," said he, "was such that Her Majesty, having ex-

<sup>1</sup> D'Ewes, *Journals*, 121, 122.

perience of late of some disorder and certain offences which, though they were not punished, yet were they offences still, and so must be accompted, therefore said they should do well to meddle with no matters of State but such as should be propounded unto them, and to occupy themselves in other matters concerning the Commonwealth."<sup>1</sup>

Elizabeth was especially annoyed by the persistence of the Commons in urging upon her the need of her taking a husband, in the interest of the State, and also of settling the question of succession. She was reluctant to marry—owing, it is supposed, to a physical incapacity; and she thought the naming of a successor would be like the tolling of her death-bell.

What did the Commons do on returning to their Chamber after they had thus been warned that matters of government and administration were the prerogative of the Crown, and therefore outside their province? At the request of the Speaker the first thing they did was to make an order that the prayers, which had for the first time been recited in the last Parliament before the opening of business, should be continued. The order, which is additionally interesting for showing the hour at which the House of Commons met, is as follows:—

"It was this day finally agreed, upon the motion of Mr. Speaker, that the Letany should be read every day in the House, during this Parliament, as in the last was used; and also a Prayer by Mr. Speaker, such as he should think fittest for the time, to be begun every day at half an hour after eight of the clock in the morning, and that each one of this House then making default should forfeit every time four pence to the Poor Man's Box."<sup>2</sup>

Wray was subsequently knighted and made Lord Chief Justice. The profession of the law, it will be seen, continued through the centuries to monopolize the Chair of the House of Commons. A lawyer was also Speaker in the fourth Parliament of Elizabeth, which assembled on May 8, 1572. This was Robert Bell, who was born in Norfolk, and repre-

<sup>1</sup> D'Ewes, *Journals*, 141.

<sup>2</sup> *Ibid.*, 142.

sented the borough of Lyme Regis. Shortly after his election to the Chair he was made a serjeant-at-law, and knighted. In January 1577 he became Chief Baron of the Exchequer without ceasing to be Speaker, and while presiding in the following summer at criminal trials at Oxford he caught gaol fever from the prisoners, and died in a few days.

Such a conjunction of offices as the Speakership and a judgeship has long since been impossible. But even in the last quarter of the sixteenth century it was doubted whether it was constitutionally proper. When the Parliament met on January 18, 1581, the House of Commons petitioned the Queen for leave to choose a new Speaker. They gave two reasons in support of their prayer. The all-sufficing and conclusive ground that the Speaker was dead and the Chair vacant was given but the second place. The cause they first advanced was that Her Majesty had made Sir Robert Bell, their former Speaker, Chief Baron of the Exchequer, "by which many supposed his place as Speaker was void in the Commons House, because he was called by writ as a necessary attendant of the Upper House."<sup>1</sup>

The new Speaker was John Popham, Solicitor-General, and Member for Bristol. He was nominated by Sir Francis Knollys, Treasurer of the Queen's Household. The Lord Chancellor, in confirming his appointment on behalf of the Queen, concluded with what D'Ewes calls "a special admonition"—"that the House of Commons should not deal or intermeddle with any matter touching Her Majesty's person, or State or Church government."

When the Commons returned to their Chamber and Popham took the Chair, it is recorded that the Litany was read by the Clerk, and that the old prayer which was used in former sessions was read also by the Speaker.<sup>2</sup> Thus it will be seen that the opening of the House of Commons with prayer had become a settled practice. The House was also concerned about its decorum. On the same

<sup>1</sup> D'Ewes, *Journals*, 279.

<sup>2</sup> *Commons Journals*, vol. 1, p. 118.

day the following rule was laid down for the guidance of Members:—

“That Mr. Speaker and the residue of the House of the better sort of calling, would always at the rising of the House depart and come forth in comely and civil sort, for the reverence of the House in turning about with a low courtesie, like as they do make at their coming into the House, and not so unseemly and rudely to thrust and throng out as of late time had been disorderly used; which motion made by Sir James Croft, Knight, Comptroller of Her Majesty’s Household, was very well liked of and allowed of all this House.”<sup>1</sup>

Despite the admonition of the Lord Chancellor that they were not to meddle with Church matters, the Commons passed a resolution in favour of a public fast that God might deliver the Realm from its troubles. The Queen was greatly offended. She sent for the Speaker, and sternly rebuked him for having permitted the House to pass such a resolution without her authority. She did not blame the Commons for being fond of fasting and prayers, she said, but they did wrong in taking upon themselves powers which belonged only to the Crown. Popham meekly acknowledged his fault, and promised not to offend again. But one good saying is attributed to him as Speaker. It finds a place in Bacon’s *Apophthegms*. At the prorogation of the Parliament in March, after a brief session, Elizabeth asked him what had passed in the House of Commons. “If it please Your Majesty, seven weeks,” was his witty and uncompromising reply.

This Parliament did not sit again, though it continued in existence until April 1583. It assembled many times, only to be immediately prorogued without having done any business. Popham, while still Speaker, in 1581, was appointed Attorney-General. He succeeded Sir Christopher Wray as Lord Chief Justice in 1592, and presided at the trials of Sir Walter Raleigh and Guy Fawkes in the reign of James I.

Queen Elizabeth’s fifth Parliament met on November 23,

<sup>1</sup> D’Ewes, *Journals*, 282.

1584. On the motion of Sir Francis Knollys, Treasurer of the Household, the Speaker chosen was John Puckering, serjeant-at-law, who represented the borough of Bedford. At the close of the Parliament in September 1585, he addressed a long and tedious speech to the Queen in which he assured Her Majesty that he had ever found the Commons ready to obey her pleasure in all things. In conclusion, he asked for her Royal Assent to the Bills of the session in the following quaint words: "Lastly, I am in their names to exhibit our most humble and earnest petitions to Your Majesty to give life to the works, not of our hands but of our minds, cogitations, and hearts which, otherwise than being lightened by the beams of your favour, shall be but vain, dumb, and dead."<sup>1</sup>

But the Commons were by no means so amenable to the wishes of Elizabeth as Mr. Speaker Puckering represented them to be, speaking at the Bar of the House of Lords in the dread presence of the Queen. In the course of the next Parliament, which met on October 29, 1586, Puckering—who now sat for the borough of Gatton, Surrey—being re-elected Speaker, the Commons insisted, more or less boldly, upon their right to discuss all affairs of State, and especially religious matters, which the Queen continued to insist was reserved to herself by prerogative. Puckering himself was charged in the House with having been lukewarm in defence of the Commons as against the Crown. In the course of this session a Puritan Member named Cope presented a Bill and a book to the House. The Bill proposed to annul all laws respecting ecclesiastical government then in force; and the book contained a new form of Common Prayer. The Speaker interrupted Cope on the ground that he was acting in contravention of the Queen's command to the Commons not to interfere in ecclesiastical matters; and furthermore, being summoned that evening to the Palace, the Speaker delivered to the Queen the obnoxious Bill and book.

Next day the Speaker's conduct was the subject of

<sup>1</sup> *Parliamentary History*, vol. 1, p. 830.

debate in the House of Commons. Paul Wentworth put in writing a series of questions relating to the privileges of the House, which he submitted to Puckering. The first was: "Whether this Council be not a place for any Member of the same here assembled, freely and without controulment of any person or danger of laws, by Bill or speech to utter any of the griefs of this Commonwealth, whatsoever, touching the service of God, the safety of the Prince, and this noble Realm?" He further asked whether the Speaker could disclose to the Sovereign any matter of weight mentioned in the House without the consent of the House? and whether the Speaker might interrupt any Member in his speech, or might overrule the House in any matter or cause? The Speaker refused to put the questions to the House. "These questions," says D'Ewes, "Mr. Puckering pocketed up and shewed Sir Thomas Heneage, who so handled the matter that Mr. Wentworth went to the Tower, and the questions not at all proved."<sup>1</sup>

The dominant political idea of the period was still the power and supremacy of the Crown. But we have advanced from the slavish Parliament of Henry VIII. to the murmuring Parliament of Elizabeth. The democratic spirit was beginning to rise, and insist, with ever-growing force, on the free expression of opinion in an independent and uncontrolled House of Commons.

Before the dissolution of the Parliament, Puckering as Speaker presented to Elizabeth the resolutions of the Commons in favour of the speedy execution of Mary, Queen of Scots. His successor in the Chair, in the next Parliament, which met on February 4, 1589, was Thomas Snagge, serjeant-at-law, who represented the town of Bedford. One sage saying of his survives: "That in making of laws, plainness of speech should be used, all entrapments to be shunned and avoided."

<sup>1</sup> D'Ewes, *Journals*, 411.



## CHAPTER XXXI

## TWO REMARKABLE DISABLING SPEECHES

THE eighth Parliament of Elizabeth met on February 19, 1593. Edward Coke, the great law-writer, whose vast legal learning and ability are displayed in his *Coke upon Lyttelton*, was its Speaker. He was born in 1552 at Mileham, Norfolk, where his father was lord of the manor, and was one of the knights of the shire for that county, and Solicitor-General, when he was appointed to the Chair on the nomination of Sir Francis Knollys, Treasurer of the Queen's Household.

As Coke stood at the Bar of the House of Lords to receive from Elizabeth the royal approbation of his appointment, what pains he took to feign and pretend to be the most inferior among the rude and untutored country squires who formed the bulk of the Commons, and to weave artificial flowers of speech to the surpassing glory of the person and mind of the old lady who sat in gorgeous apparel on the Throne before him! He humbly presented himself to Her Majesty as the choice of the Commons for the Chair. "Yet this," he proceeded, "is only as yet a nomination, and no election until Your Majesty giveth allowance and approbation. For as in the heavens a star is but *spacum corpus* until it have received light from the sun, so stand I *corpus spacum*, a mute body, until Your Highness's bright-shining wisdom hath looked upon me and allowed me." Of his incapacity for the office of Speaker these, his poor words of speech, doth sufficiently tell. There were many grave, deep, and wise men in the House from whom a worthy selection might well have been made. But what was he? "I am untimely fruit, a bud scarcely blossomed," he cried. However, there was one happy and comforting thought which relieved the gloom of his mind as he dwelt upon his many imperfections. "I never knew any in this place," said he in a grandiloquent passage of adulation, "but if Your Majesty gave them favour,

God, who called them to the place, gave them also the blessing to discharge it."

The Lord Keeper of the Great Seal was Sir John Puckering, the late Speaker. In his reply to Coke, on behalf of the Queen, he declared that Her Majesty had always a high opinion of Mr. Solicitor. "But," he proceeded, "by this your modest, wise, and well-composed speech, you gave Her Majesty further occasion to conceive of you about that which she ever thought was in you." Then came the inevitable older and stereotyped compliment: "By endeavouring to deject and abase yourself and your desert," said Puckering to Coke, "you have discovered and made known your worthiness and sufficiency to discharge the place you are called to."

After this exchange of compliments, things stern and more in touch with realities were uttered. Coke made the traditional petitions. "Privilege of speech is granted," said the Lord Keeper in reply, "but you must know what privilege you have. Not to speak every one what he listeth, or what cometh into his brain to utter that, but your privilege is Aye or No." Puckering added words utterly contemptuous of the Commons assembled at the Bar. "Wherefore, Mr. Speaker," said he, "Her Majesty's pleasure is that if you perceive any idle heads which will not stick to hazard their own estates, which will meddle with reforming the Church and transforming the Commonwealth, and do exhibit any Bills to such purpose, that you receive them not until they be viewed and considered by those who is fitter should consider of such things and can better judge of them."<sup>1</sup>

The House of Commons met on Saturday, February 24, 1593, but there was no Speaker. It was the first occasion—so far as the records show—of the interruption of business caused by the illness of the Speaker, for in his absence no one had authority to take the Chair. D'Ewes gives a quaint account of the incident. Some of the Members said they had called at Coke's house that morning and found him ill in

<sup>1</sup> D'Ewes, *Journals*, 459-60.



SIR EDWARD COKE

AFTER THE PORTRAIT BY JANSSEN VAN CEULEN



bed. It was decided, however, to await a message from Coke, and the Clerk was directed in the meantime to read the Litany and prayers. The Serjeant-at-Arms soon brought a communication from the Speaker. "He had been this last night and also was this present forenoon," it ran, "so extremely pained with a wind in his stomach and a looseness of body that he could not, as yet, without his further great peril and danger, adventure into the air, which otherwise most willingly he would have done." He asked the Members for their "gentle and courteous acceptance of that his reasonable excuse," and trusted to God to be well enough to attend on the Monday following. "The effect of this message being then signified unto this House by the said Clerk of the House," says D'Ewes, "all the said Members of the House, being very sorry for Mr. Speaker his sickness, rested well satisfied. And so the House did rise, and every man departed away."<sup>1</sup>

Within a few weeks of the Lord Keeper's charge to the Commons that any interference by any Member with ecclesiastical matters would earn Her Majesty's high displeasure and bring the offender to the Tower, the House was engaged in the discussion of the prohibited subject. On February 27, 1593, Mr. Morrice, Attorney of the Court of Wards,—a place then under the Crown,—presented a Bill for the reform of the abuses of the Ecclesiastical Courts which, it seemed, were using their powers not so much against Papists as against Puritans. After the debate the Bill was given to Mr. Speaker Coke, and he promised not to disclose its provisions to any one outside the House. The next day he informed the House that he had been summoned to the Court, and was commanded to deliver to the House a message from the Queen. Her Majesty, he said, had not pressed him to give her the Bill. The House might feel assured that he still retained the Bill in his possession, and that no eyes but his own had seen it. But the Queen had asked him what were the things spoken of by the House, and he had thought it his duty to tell her the points of the debate.

<sup>1</sup> D'Ewes, *Journals*, 470.

Then he gave the message entrusted to him by the Queen. It was to the effect that no Bills "touching matters of State, or reformation in causes ecclesiastical," could be introduced. "And upon my allegiance I am commanded," said the Speaker, "if any such Bill be exhibited not to read it."<sup>1</sup>

The Parliament lasted less than two months. It was dissolved by the Queen in person on April 10, 1593. Coke in his speech to Elizabeth, standing with the Commons at the Bar of the House of Lords, likened Parliament to a beehive with Her Majesty as the queen bee. "Under your happy government," said he, in conclusion, "we live upon honey, we suck upon every sweet flower; but where the bee sucketh honey there also the spider draweth poison. Some such venom there be with us. But such drones and door-bees we will expel the hive, and serve your Majesty, and withstand any enemy that shall assault you. Our lands, our goods, our lives, are prostrate at your feet to be commanded."

But the finest and most sustained exhibition of absurdity, if not of insincerity in thought and expression, remains to be recorded in relation to the election of Speaker for the next Parliament, which met on October 24, 1597. The Member chosen was Christopher Yelverton, who was born at Rougham, Norfolk, was serjeant-at-law, and one of the knights of the shire for Northampton. He was proposed by Sir William Knollys, Comptroller of the Queen's Household, the son of Sir Francis Knollys, on whose motion so many of the previous royal nominees for the Chair were accepted by the Commons. D'Ewes, whose *Journals* throw so much light on the proceedings of the Elizabethan Parliaments, gives a graphic description of the scene. First there was a speech from Sir William Knollys: "I will deliver my opinion unto you who is most fit for this place, being a

<sup>1</sup> D'Ewes, *Journals*, 478-9. In *Calendar of State Papers* (Domestic Series, 1591-94), p. 322, there is another version of Coke's speech which does not materially differ from that given by D'Ewes. In one passage Coke explains that the Queen did not require to see the Bill, in view of his engagement to the House to keep it secret.

Member of this House, and those good abilities which I know to be in him." Here he made a little pause, and the House "hawked and spat."

This seems to have been the way the House expressed impatience in the days of Elizabeth. D'Ewes, writing a few years later—in 1601—in reference to "an old Doctor of the Civil Law," who was regarded as a bore "because he was too long and spoke too low," says "the House hawked and spat and kept a great coil to make him make an end."<sup>1</sup>

Knollys then proceeded with his speech. "Unto this place of dignity and calling, in my opinion (here he stayed a little) Mr. Serjeant Yelverton (looking unto him) is the fittest man to be preferred (after which words Mr. Yelverton blushed and put off his hat, and after sat bareheaded), for I know him to be a man wise and learned, secret and circumspect, religious and faithful, no way disable, but every way able to supply this place." This appeared to be the general view of the Members. "The whole House," says D'Ewes, "cried, 'Aye, aye, aye, let him be!' and the Master Comptroller made a low reverence and sat down, and after a little pause and silence, Mr. Serjeant Yelverton rose, and, after a very humble reverence, said :—

"Whence your unexpected choice of me to be your mouth or Speaker did proceed I am utterly ignorant. If from my merits, strange it were that few deserts should purchase suddenly so great an honour. Not from my ability doth this your choice proceed, for well known it is to a great number in this place now assembled that my estate is nothing correspondent for the maintenance of this dignity, for my father dying left me, a younger brother, nothing to me but my lease annuity. Then growing to man's estate, and some small practice of the law, I took a wife by whom I have had many children, the keeping of us all being a great impoverishment to my estate, and the daily living of us all nothing but my early industry. Neither from my person nor nature does this choice arise, for he that supplieth this place ought to be a man big and comely, stately and well-spoken, his voice great, his courage

<sup>1</sup> D'Ewes, *Journals*, 640.

majestical, his nature haughty, and his purse plentiful and heavy; but, contrarily, the stature of my body is small, myself not so well-spoken, my voice low, my carriage lawyer-like and of the common fashion, my nature soft and bashful, my purse thin, light, and never yet plentiful.'"<sup>1</sup>

But the House refused to accept these excuses, and Yelverton was placed in the Chair, doubtless to his high gratification. He composed a very beautiful prayer which he said as Speaker at the opening of each sitting, reverently beseeching God "to expel darkness and vanity from our minds and partiality from our speeches," and to grant "wisdom and integrity of heart."<sup>2</sup> He was subsequently appointed a Judge of the Queen's Bench.

## CHAPTER XXXII

### ELIZABETH'S LAST PARLIAMENT

THE next Parliament was the tenth of Elizabeth, and the last of her long reign. It assembled on October 27, 1601, and was opened by the Queen, who was then close on seventy years old. At three o'clock in the afternoon she rode to Westminster Abbey, wearing her royal robes and the crown, says D'Ewes, "in a chariot made all open, only like a canopy at the top, being of cloth of silver and tissue," escorted by the officers of the Household and attended by peers, and having heard a sermon, went to the House of Lords for the opening ceremony. D'Ewes mentions that a number of the Commons who, in obedience of the summons of Black Rod, proceeded to the Upper House, were denied admittance. No explanation is given. But the hasty closing of the doors before all the Commons could enter the House of Lords was due to the fact that the Queen, overcome by the weight of her elaborate robes, had fainted, and she had to be supported on the

<sup>1</sup> D'Ewes, *Journals*, 548-50.

<sup>2</sup> *Ibid.*, 551.



Throne while the Lord Keeper hurriedly explained the causes for the summoning of Parliament.

On the nomination of Sir William Knollys, the Commons chose as Speaker John Croke, Recorder of the City of London, and its representative in Parliament. On the following day he was presented to the Queen in the House of Lords. His appeal to Her Majesty to direct the election of one more able and efficient thus concluded: "And I beseech your most excellent Majesty not to interpret my denial herein to proceed from any unwillingness to perform all devoted, dutiful service, but rather out of Your Majesty's clemency and goodness to interpret the same to proceed from that inward fear and trembling which hath ever possessed me, when, heretofore, with most gracious audience it hath pleased Your Majesty to license me to speak before you. For I know and must acknowledge that, under God, even through Your Majesty's great bounty and favour I am that I am; and, therefore, none of Your Majesty's most dutiful subjects more bound to be ready, and, being ready, to perform even the least of Your Majesty's commandments."<sup>1</sup>

Croke appears to have been the first Speaker to rule that a Member has the right to be heard, no matter how objectionable to the House generally his views may be. On November 9, 1601, the House was debating the question of a subsidy. "Then," says D'Ewes, "Serjeant Heyle stood up and made a motion, saying, 'Mr. Speaker, I marvel much that the House will stand upon granting a subsidy when all we have is Her Majesty's, and she may lawfully, at her pleasure, take it from us. Yea, she hath as much right to all our lands and goods as to any revenue of her Crown,' "At which," D'Ewes continues, "all the House hemm'd and laughed and talked." But Heyle was not to be shouted down. "'Well,' quoth Serjeant Heyle, 'all your hemming shall not put me out of countenance.' So Mr. Speaker stood up and said: 'It is a great disorder that this should be used, for it is the ancient use of every man to be silent when any one speaketh, and he that is speaking

<sup>1</sup> D'Ewes, *Journals*, 600-1.

should be suffered to deliver his mind without interruption." "So the said Serjeant proceeded," says D'Ewes, "and when he had spoken a little while the House hemm'd again, and so he sate down. In his latter speech he said he could prove his former position by precedent in the time of Henry the Third, King John, King Stephen, etc., which was the occasion of this hemming."<sup>1</sup>

Later on in the session a remarkable scene took place on the occasion of the presentation of an address from the Commons to the Queen. The House was moved to indignant protest against patents issued by the Crown giving monopolies in the sale of cloth, starch, tin, fish, oil, vinegar, and salt, whereby high prices were charged for these articles of prime necessity. On the following day the Speaker announced that he had been commanded to attend the Queen, and that Her Majesty had graciously consented to revoke all patents that should be proved to be injurious to the people by trial at law. The House unanimously adopted a glowing address of thanks to the Queen. Her Majesty consented to receive it at the Palace of Whitehall, on November 30, 1601; but as the Audience Chamber was not large enough to accommodate the whole House, it was arranged that all the knights of the shire and a selection of the citizens and burgesses should accompany the Speaker. Before leaving for the Palace the Speaker asked the House "what it was their pleasure he should deliver unto Her Majesty?" Sir Edward Hobbie stood up and said, "It was best he should devise that himself." And all the Members cried, "I, I, I!"

At the Palace Croke made a speech to the Queen of the fulsome loyalty so characteristic of the time. "We come not, sacred Sovereign," said he, "one of ten to render thanks, and the rest to go away unthankful. But all of us, in all duty and thankfulness, do throw down ourselves at the feet of Your Majesty, do praise God and bless Your Majesty. Neither do we present our thanks in words or any outward thing, which can be no sufficient retribution for

<sup>1</sup> D'Ewes, *Journals*, 633.

so great goodness ; but in all duty and thankfulness, prostrate at your feet, we present our most loyal and thankful hearts, even the last drop of blood in our hearts to be poured out and the last spirit of breath in our nostrils to be breathed up for your safety." "And after three low reverences made he," says the chronicler, "with the rest kneeled down."

Elizabeth, in reply, made a most interesting speech. "Of myself I must say this," said she, "I never was any greedy, scraping grasper, nor a straight, fast-holding Prince, nor yet a waster. My heart was never set on worldly goods, but only for my subjects' good. What you do bestow on me I will not hoard it up, but receive it to bestow on you again. Yea, mine own properties I count yours to be expended for your good." At this point the Queen interrupted her remarks to say, "Mr. Speaker, I would wish you and the rest to stand up, for I shall yet trouble you with longer speech." Accordingly, they all stood up, and Her Majesty in the course of her subsequent remarks said: "I know the title of a King is a glorious title, but assure yourself that the shining glory of princely authority hath not so dazzled the eyes of our understanding but that we will know and remember that we also are to yield an account of our actions before the Great Judge. To be a King and wear a crown is more glorious to them that see it, than it is pleasure to them that bear it. For myself, I was never so much enticed with the glorious name of a King, or royal authority of a Queen, as delighted that God hath made me this instrument to maintain His truth and glory, and to defend this kingdom from peril, dishonour, tyranny, and oppression." Finally, Elizabeth invited them all to come and kiss her hand.<sup>1</sup>

The Parliament was dissolved by the Queen on December 19, 1601. Croke made the customary flattering address. What was thought of these unctuous performances by those who heard them may be surmised from a letter written by Dudley Carleton, a Member of the House of Commons who stood with Croke at the Bar of the House of Lords on that occasion. "I was present as a burgess," he says, "and heard

<sup>1</sup> D'Ewes, *Journals*, 658-60.

good counter-clawing and interchangeable flattery between the Speaker and my Lord Keeper in behalf of the Queen."<sup>1</sup> "The peace of the kingdom," said Croke, referring to the defeat of the insurrection of Essex, "has been defended by the mighty arm of our dread and sacred Queen." "No, no!" cried Elizabeth, nipping his blossoming eloquence, "but by the mighty hand of God, Mr. Speaker."

Thus was received the last compliment that was paid to the most flattered Sovereign that has sat on the Throne of England. The Commons had their final sight of that weirdly impressive woman, the last of the Tudors.

## CHAPTER XXXIII

### WHEN THE SPEAKER WAS ILL

THE accession of James I. opens a stirring and momentous chapter in the history of the Chair. In the long conflict between the Parliament and the Crown, which lasted practically through the whole of the seventeenth century,—it was not interrupted even under the Commonwealth, the relations of the Parliament with the Lord Protector Cromwell being not less strained than in the time of the Stuart kings,—the Chair passed through many amazing vicissitudes, but it emerged from the ordeal with its position strengthened and its reputation enhanced, to begin its development as a non-partisan and independent institution.

The first Parliament of James I. assembled on March 19, 1604, and was opened by the King. He introduced the custom of the Sovereign personally declaring to the assembled Lords and Commons the causes of the summoning of Parliament, a duty which was previously discharged by the Lord Chancellor or the Lord Keeper on the Sovereign's behalf. Being pedantic and garrulous, James inflicted long and learned speeches upon the Estates on these occasions.

<sup>1</sup> *State Papers* (Domestic Series, 1601, 1603), 134.

But he was more than pedagogic. He was overbearing and truculent, especially to the Commons; and as a new temper was arising in the Lower House, more jealous of its privileges, more aggressive in their defence, more mutinous towards the exactions of the Crown, he soon found himself at cross-purposes with the representatives of the people.

Still there was no diminution in the strains of the perfervid loyalty in which the always honey-mouthed Speaker indulged on being presented to the King at the Bar of the House of Lords. The speech of the Speaker of the first Parliament of James I., Sir Edward Phelips, serjeant-at-law, who sat for Somerset, equalled, if indeed it did not surpass, in flattery and adulation of the Sovereign, anything which had been said during the long reign of Elizabeth, and that without the courtly excuse of saying pretty things to a woman.

“Most renowned, and of all other most worthy to be admired, Sovereign,” exclaimed Phelips, “as the supreme and all-powerful King of Heaven hath created man to govern His works, so did He depute terrestrial kings, in whom His image was, to govern men, but yet so as still to think that they themselves are but men. And to that end He adorned them with three imperial ensigns of honour,—a crown, a sceptre, and a sword; commanding to the crown, reverence, to the sceptre, obedience, and to the sword, fear. Wherewith in His divine distribution of kings and kingdoms, He hath magnified and invested your sacred person, on the imperial throne of this most victorious and happy nation, wherein you now do, and, Nestor-like, long may sit, not as a conqueror by the sword, but as an undoubted inheritor by the sceptre; not as a stepfather by match or alliance, but as a true tender father by descent of Nature, to whom we, your children, are truly naturalized in our subjection, and from whom in our loyalty we expect unto us a paternal protection.”

The Speaker then proceeded to make the time-honoured entreaty to the King to excuse him from the performance of the high office to which the Commons had so unworthily

elected him. He set out a long litany of the qualities which were necessary adequately to fulfil the duties of Speaker: "The absolute perfection of experience"; "The mother of prudence"; "The father of true judgment"; "The fulness and grace of Nature's gifts." There were others besides of equal mystification. But not one of them did he possess. "From the virtues of all and every part I am so far strayed," said he, "that not tasting of Parnassus's springs at all, nor of that honey left upon the lips of Pluto and Pindarus by the bees, birds of the Muses, as I remain touched with the error of contrary, and thereby am disabled to undergo the weight of so heavy a burthen, under which I do already groan, and shall both faint and fail if not by your justice disburthened or by your clemency commiserate."<sup>1</sup>

The King, of course, neither relieved him of his troubles, nor thought his fate deserving of commiseration.

The session was not a month old when, as the *Journals of the House of Commons* show, there was deliberate obstruction,—which is generally supposed to have been unknown until the last quarter of the nineteenth century,—and the powers of the Speaker were increased in order to cope with it. On April 14, 1604, Sir Henry Jenkins and other Members of the Court party in the House appear to have impeded the progress of a Bill touching the abuses of purveyors. The end of the contest was that Sir Henry Jenkins was at last interrupted by the Speaker, and thereupon the House, as stated in the *Journals*, "to prevent the idle expense of time," resolved that, "if any man speak impertinently, or beside the question in hand, it standeth with the order of the House for Mr. Speaker to interrupt him and to know the pleasure of the House whether they will further hear him." Three days later, on April 17, the House agreed to a general rule, "that if any superfluous motion or tedious speeches be offered to the House, the party is to be directed and ordered by Mr. Speaker." On May 9, in the same year of 1604, Sir Roland Litton, offering to speak, it grew to a question whether he should speak any more in the matter, and it was

<sup>1</sup> *Parliamentary History*, vol. 1, p. 990.

overruled that he ought not. On May 19, Sir William Paddy, entering into a "long" speech, it was agreed for a rule that "if any man speak not on the matter in question the Speaker is to moderate." Thus at the opening of the seventeenth century the Speaker was empowered to call Members to account for garrulousness and irrelevancy.

In the session of 1606, Phelips fell sick. As there was no precedent for the appointment of any one to take the Chair in the temporary absence of the Speaker, the House was unable to sit during his illness, and for several days parliamentary business was suspended. The incident illustrates the innate conservatism of the race, the national willingness to put up with inconvenience to the uttermost, if the only way to terminate it is the taking of a new step which creates a precedent.

On Monday, March 16, 1606, the *Journals* relate that the House was informed by the Clerk that the Speaker was very ill, and desired to be "spared attendance" till Wednesday. When Wednesday came it was reported that the Speaker's infirmity was "a great pain in his neck and head," that he was unable to be present, and asked for further leave of absence till Friday. "So they arose and departed," say the *Journals*, "yielding assent by a necessity to the motion." On Friday, Members again assembled, only to hear a message from the still absent Speaker propounding that he might have leave to use means for the recovery of his strength till Monday. "To this the Assembly seemed to assent, and so departed."

The *Journals* are careful to say not "House," but "Assembly." Yet on that day a motion was agreed to for the liberation of a poor prisoner. It is interesting to note, however, that the prisoner was not pardoned. The pardon was only to be given when the House was constituted by the presence of the Speaker. By Monday the Speaker's strength had not returned. A debate then took place on a motion to instruct Committees of the House, appointed "for Returns and Privileges," to consider what ought to be done in the future should the same contingency

arise. The mover said he had heard of precedents of a Speaker having been appointed from day to day, in cases of the temporary absence of the duly elected Speaker, so that the business of the House might proceed. Another Member supported the taking of this action. His argument is thus put in the *Journals*: "That we are an entire body of ourselves; that the Speaker is not our head, but one of ourselves, and hath a voice amongst us; that we have power to choose a Speaker, for he is only to moderate, and for that purpose we might appoint any other." But this opinion was controverted. "Answered," say the *Journals*, "that there is no such precedent, that the King must give leave and approve after choice, that it were fit the Committees should consider what were to be done in after times." The discussion was ended by a motion, "assented to by such Members of the House as were assembled" (as the *Journals* are careful to record), that the Committees should consider all precedents as could be produced with a view to deciding what it were meet should be done in future upon occasions of the Speaker's absence through sickness or otherwise.

But on the following day, March 24, the Speaker, after an absence of eight days, returned to the House, and no report was made by the Committees.<sup>1</sup> For nearly two centuries and a half afterwards the anomaly of the transaction of the public business of the nation being dependent on the accident of one man's health, was tolerated by the House of Commons. It was not until 1853 that the subject was referred to a Select Committee, and that upon their report a Deputy Speaker was appointed.<sup>2</sup>

<sup>1</sup> *Commons Journals*, vol. 1, pp. 353-4.

<sup>2</sup> The report of the Select Committee of 1853 erroneously states that the case of Phelps is the first recorded instance of the sitting of the House of Commons having had to be suspended owing to the illness of the Speaker. The case of Edward Coke in 1592 is, of course, earlier.



## CHAPTER XXXIV

## JAMES I. AND THE COMMONS

THIS Parliament, which Guy Fawkes attempted to blow up, endured for seven years. Throughout it all the King and the Commons were constantly at variance, principally on questions relating to the ecclesiastical system of the Established Church. It came to an end on February 9, 1611.

A new Parliament was not summoned until 1614. At its opening on April 5, Randolph Crewe, born at Nantwich, the son of a tanner, it is said, and bred to the law, who sat for the borough of Brackley in Northamptonshire, was chosen Speaker. It did not long survive. The King, exasperated by its unyielding obstinacy to his wishes, dissolved it on June 7, 1614. Thus, after an existence of little more than two months, the "Addled Parliament," as it is called, came to an end.

Close on seven years elapsed before James called his third Parliament. It met on January 30, 1621. The Commons selected for the Chair, Thomas Richardson, born in Norfolk, serjeant-at-law, and Member for St. Albans. He made the usual appeal to the Commons to choose another for the post. It appears to have been real and earnest on this occasion, for Richardson desired to devote himself to the Bar, and finding that his excuses were unavailable, that he was bound to take the Chair, he "wept downright," according to an eye-witness.<sup>1</sup> He seems, nevertheless, to have continued his practice at the Bar. Lord Campbell, in his *Lives of the Chief Justices*, says that it was not considered incorrect for Richardson to sit in the Chair of the House of Commons in the morning and to consult with his clients at his chambers in the evening. Moreover, he appeared as counsel in the Court of Common Pleas on days that the House of Commons did not sit.

The King received the Commons in a stubborn mood.

<sup>1</sup> Campbell, *Lives of the Chief Justices*, vol. 1, p. 388.

In reply to the Speaker's request for the royal recognition of the privileges of the House, His Majesty said he could have wished that the Commons had intimated "that their privileges were derived from the grace and permission of Our ancestors and Us," rather than to have used, "the stile of your antient and undoubted right of inheritance."<sup>1</sup> The Commons and King were in conflict as to the real meaning of this reiterated request to the Sovereign at the opening of every Parliament, for the granting of the privileges of the Lower House. As far back as 1604, in the course of the first Parliament of James I., the Commons in their famous petition to the King, entitled *An Apology of the House of Commons touching their Privileges*, declared that the making of this request at the opening of a new Parliament was intended merely as a notification of their privileges, "an act only of manners," and that their privileges could not be denied, withheld, or impaired.

To this view the King never yielded his assent. In the constitutional struggle the Speaker sided more with the King than with the Commons. At any rate, Richardson is one of the few Speakers who have been censured in the House for servility to the Crown. On March 9, 1621, he was called to account for stopping debate when the conduct of the Sovereign was in question. "Mr. Speaker is but a servant to the House, not a master, nor a master's mate," said one Member. Another Member advised the Speaker to "sit still," and not to be so interfering. Evidently they did not want Mr. Speaker to exaggerate his personal importance in the scheme of things, or to appreciate too highly the rights and functions of the Chair.

The imperious James insisted that he could adjourn the two Houses of Parliament as well as prorogue them. On May 28, 1621, he sent down a message to the Commons commanding an adjournment of the House, within a week, to November 20. This arbitrary and despotic presumption was resisted by the House, or at least by the independent Members, who held that the House could be adjourned only by its own motion. But the Speaker, without putting the

<sup>1</sup> *Parliamentary History*, vol. 2, p. 327.

question, declared the House to be adjourned till November 20, in obedience to the King's order. The decision of the Speaker was accepted, as the question whether or not the House could be adjourned by any authority but the House itself had not yet been clearly settled, and, moreover, the majority of the Members were indisposed to resist outright the will of the Sovereign. Shortly afterwards, however, Richardson had to sit and listen to bitter things being said in condemnation of his action. The Speaker assumed the power himself to adjourn the House, entirely untrammelled by any limitations or conditions, and he especially developed a habit of leaving the Chair as soon as any matter disagreeable to the Court was raised.<sup>1</sup>

In the course of the session the Commons sent a remonstrance against the growth of Popery to the King, and tendered him the advice that Prince Charles, heir to the Throne, should marry a Protestant wife. James wrote to the Speaker commanding him to inform the House that they must not meddle with the "mysteries of State," which, he said in a cutting phrase, "went far beyond their sphere and capabilities." The Commons, meeting on December 18, 1621, entered in the *Journals* a long protest that all affairs of State were proper subjects for counsel and debate in Parliament. The answer of the King was most contemptuous. He sent for the manuscript *Journals*, and tore out the leaf on which the protest was written. The printed *Journals* record the resolution of the House. Then follow a number of asterisks—\* \* \* \* \*—and there is a marginal note which says: "King James, in Council, with his own Hand, rent out this Protestation."<sup>2</sup>

It only remains to be added that Richardson had his reward for his subserviency. The year after the dissolution of the Parliament he became Chief Justice of the Common Pleas, and was subsequently promoted to the headship of the King's Bench. He was buried in Westminster Abbey. One of the few Presidents of the House of Commons whose remains

<sup>1</sup> Campbell, *Lives of the Lord Justices*, vol. 1, p. 390.

<sup>2</sup> *Commons Journals*, vol. 1, p. 668.

have been so honoured is this legal puppet of the Crown dressed up in the robes of Speaker.<sup>1</sup>

The last Parliament of King James I. met on February 19, 1624. The Speaker was Thomas Crewe, the younger brother of Sir Randolph Crewe, who was Speaker in the "Addled Parliament" of King James. He was a serjeant-at-law, and sat for Aylesbury in Buckinghamshire. This Parliament was dissolved by the death of James on March 27, 1625.

## CHAPTER XXXV

### HELD IN THE CHAIR BY FORCE

CHARLES I. was in his twenty-fifth year when he began his memorable reign. He opened his first Parliament on June 18, 1625. This formal scene was marked by an incident of unusual grace and distinction. It showed the high personal dignity of Charles in splendid contrast with the vulgar antics of his father on like occasions. When the Estates were assembled His Majesty commanded prayers to be said, and during the devotions he put off his crown and knelt by the Chair of State.<sup>2</sup>

Sir Thomas Crewe, who now represented Gatton, in Surrey, was again chosen Speaker. There is an interesting passage in a narrative of the debates and incidents of this Parliament left by Sir John Eliot,—the distinguished parliamentary leader,—which shows once more that, even in the eyes of contemporaries, much of the ceremony of the election of Speaker was mere play-acting. In reference to the appointment of Crewe he writes of the "pretended unwillingness in him, and importunity in us, with much art and rhetoric on both sides."<sup>3</sup> At the Bar of the House

<sup>1</sup> The other Speakers buried in the Abbey are John Puckering and Charles Abbot.

<sup>2</sup> *Parliamentary History*, vol. 2, p. 2.

<sup>3</sup> John Forster, *Sir John Elliot*, vol. 1, p. 235.

of Lords, Crewe again, according to the usual formality desired to be excused, and the King replied by confirming his election. Crewe then said: "Before, hee offered the sacrifice of his lipps, which was refused. But now he offered his obedience which, being accepted, was declared to be the better sacrifice."<sup>1</sup>

Sir Heneage Finch, son of Sir Moyle Finch of Eastwell, Kent, Recorder of London, which city he represented in the House of Commons, was Speaker in the brief Parliament of 1626. It lasted only from February 7 to June 15. Sir John Finch, a first cousin of Sir Heneage Finch, who was chosen Speaker in the next Parliament, which met on March 17, 1628, was the central figure in one of the most extraordinary scenes that has ever occurred in the House of Commons. He represented Canterbury, of which city he was also Recorder.

During the second session of the Parliament, in 1629, the claim of the King to levy tonnage and poundage without the consent of the representatives of the people was hotly disputed. On March 2 the Speaker delivered a message from the King commanding the House to adjourn to the 10th. A few days before, a similar order from Charles had been in fact obeyed by the House, although, with a view to avoiding the appearance of acknowledging the authority of the King in the matter, a motion for adjournment was formally moved and agreed to. But on March 2, when the Speaker put the question of adjournment in obedience to the King's command, there was a loud shout of "No, no!" The Patriots had at last determined to insist that the question of adjournment was entirely for the Commons to decide. There was a grave matter to be settled, and as soon as it was settled—but no sooner—they would consent to the House being adjourned.

Sir John Eliot rose to address the House. The Speaker at once interposed, and said he had an absolute command from the King instantly to leave the Chair if any one attempted to speak after the order to adjourn had been delivered. Accordingly he moved from the Chair. The

<sup>1</sup> *Commons' Debates in 1625* (Camden Society), p. 3.

Patriots rushed to stop him, but the Courtiers clustered round him and he got down to the floor. But Finch got no farther. His way out of the Chamber was barred by a throng of excited Members, who seized him and forced him back into the Chair again. "God's wounds!" cried Denzil Holles, "you shall sit till we please to rise." To prevent timid Members from leaving the House, Sir Miles Hobert locked the door and put the key in his pocket.

Eliot then submitted a spirited remonstrance against the arrogation by the Crown to itself of the right to make innovations in religion and impose taxes and loans without the consent of Parliament. Finch refused to put the question to the House. He might be detained by superior force in the Chair, but by no means could he be compelled to discharge the functions of Speaker. The Commons, accordingly, found themselves in a curious quandary. The Speaker was in the Chair, and yet the House was without the regulative authority of the Speaker.

What was to be done? The enraged Patriots rose one after another to try to induce the Speaker by entreaties and threats to obey the order of the House. But Finch was resolute. He was perturbed in mind by the clashing claims of his duty to the House as Speaker and his devotion to the King as Courtier. The two emotions pulled him in different directions, and perplexed him with their conflicting yet powerful mutual appeal. But on one thing at least he was determined—on no account must he incur the fearful displeasure of the King. He pleaded that he knew of no precedent of the House continuing to do business after it had received a command from the Sovereign to adjourn. "What would any of you do, if you were in my place?" he asked plaintively, and to impress them further with the difficulties of his position he concluded with the appeal: "Let not my desire to serve you faithfully be my ruin." Opposition to the King's wishes would be fatal to his personal interests. He was the Speaker of the Commons, and as such he was entrusted with the high distinction of safeguarding their privileges; but, apparently, he regarded the will of the

Sovereign as paramount, and at any rate he was not prepared to do the bidding of the Commons at the risk of offending the King.

"If you refuse obedience," said Eliot, "you shall be called to the Bar."

"That," answered Finch, "is one of the greatest miseries that could befall me." He begged to be allowed to go and consult with the King. "If I do not return, and that speedily," said he, "tear me in pieces." William Strode pointedly asked him if he was their servant—as he had declared himself to be—why he did not obey them? Did not the Scripture say, "His servants ye are whom ye obey?" Finch burst into tears and exclaimed, "I am not the less the King's servant for being yours." The King, and not the House, had the first place in his mind, not perhaps that he loved the King more, but that he feared the House less. "I will not say I will not put the reading of the paper to the question," said he; "but I must say I dare not."

Eliot was most desirous of having his remonstrance regularly put by the Speaker and adopted by the House. Otherwise, it was but the mere expression of his own personal opinion. John Selden, the jurist, declared that the Speaker by refusing to discharge his duty of putting the question had virtually abdicated his office, and he moved that Eliot should take the Chair and submit the remonstrance to the judgment of the House. This, however, was too violent an innovation for Eliot. Seeing that the obduracy of the Speaker was immovable, he threw his paper into the fire.

Just then a knocking was heard at the locked door. It was a messenger from the King who, having had news of the proceedings in the House of Commons, sent a command to his Serjeant-at-Arms to bring away the Mace. The Commons permitted that officer to go, but refused to part with the Mace, and the door was again locked.

Meanwhile the Patriots continued to upbraid the Speaker. He was assailed with fierce denunciations, and reviled in terms of unmitigated contempt. In the Chair he sat, silent through it all. The depression of his spirits was reflected in his down-

cast countenance. The instinct of self-preservation impelled him so to act as to deserve well of the more exalted and stronger of the two contending powers between whom he stood, even though he thereby incurred the unqualified odium of the other; but perhaps his best armour against the slings and arrows of the Patriots was the steadfastness of his sense of duty to the King.

Again there were loud knocks at the door. This time it was the Usher of the Black Rod from the House of Lords. He, too, was denied admittance, nor would his message be received. The King had sent for the Captain of his Guard to force a way into the Chamber and disperse the Commons by force. Holles then put to the House from memory the effect of Eliot's Remonstrance, and it was declared carried with acclamation. A motion for the adjournment of the House was agreed to. Then it was that the Speaker was released from his painful and deeply humiliating position.<sup>1</sup>

All the foremost and most virile men who were conspicuous in that great scene in the House of Commons—Eliot, Selden, Holles, Strode—were subjected to heavy fines and imprisonment. Eliot died in the Tower. Selden was not released for four years. To Finch came the promotion which, no doubt, he thought his fidelity and zeal deserved. As Lord Chief Justice of the King's Bench he was just as devoted and servile a champion of prerogative as he had been as Speaker of the House of Commons. When Parliament again assembled he was Lord Keeper of the Great Seal. But one of the first acts of the "Long Parliament"—as the Parliament which followed came to be called—was to impeach him of high crimes and misdemeanours. The chief count in the indictment was his arbitrary and unconstitutional conduct as Speaker on the great day that Eliot moved his Remonstrance. He appeared at the Bar of the House of Commons on December 21, 1640, and spoke in his own defence, and then fled the country before the impeachment was finally determined.

<sup>1</sup> *Parliamentary History*, vol. 2, pp. 487-91; also Gardiner's *History of England* (1603-42), vol. 7, pp. 67-75.



## CHAPTER XXXVI

MR. SPEAKER LENTHALL

ELEVEN years were to pass without a Parliament—the longest interval of the kind, so far—during which Charles I. ruled as an absolute monarch. In 1640 he was driven to summon the Estates. When the new Parliament met on April 13, the person chosen by the Commons as Speaker was John Glanville, serjeant-at-law, Recorder of Plymouth, and Member for Bristol. He had sat in Parliament for Plymouth from 1614 to 1629, and was active in resisting the King's arbitrary use of the prerogative; but he seems to have intimated at this stage that he was ready to serve the interests of His Majesty, and certainly was appointed to the Chair with the previous assent of Charles.

To the King, on being presented at the Bar of the House of Lords, Glanville made the usual excuses. He began by defining the Speaker and his duties. "One of themselves, to be the mouth, indeed the servant of all the rest; to steer watchfully and prudently in all their weighty consultations and debates; to collect faithfully and readily the genuine sense of a numerous Assembly, to propound the same seasonably, and to mould it into apt questions for final resolutions, and so represent them and their conclusions, declarations, and petitions, upon all occasions, with truth, with life, with lustre and with full advantage to your most Excellent Majesty." He then proceeded to appeal to the King to have compassion upon him, declaring himself to be the most unworthy Member of the Commons, and ready to faint with the fears of the burden which had been placed upon him against his will. "Let not your Majesty through my defect stand exposed to any hazard of disservice," he cried. "I have only a hearty desire to serve you, very little abilities for performance." He was not permitted to escape. Finch, as Lord Keeper, said the King had listened with gracious ear and

princely attention to the humble and modest excuses of Granville; but he had "so well decyphered and delineated the parts, duties, and office of a good Speaker," that he had proved his eminent fitness for the post.<sup>1</sup>

This Parliament is known as "the Short Parliament." The old quarrels between King and Commons broke out afresh. Nothing was done during the three weeks it existed. It was dissolved on May 5, 1640.

The next Parliament to assemble was the most momentous of all. During the protracted and troubled period of the 'Long Parliament' there were not only incessant surprises, and actions and changes of the most dramatic nature, but there was a terrific breach with the historic past, for a Sovereign was executed, the House of Lords was abolished, and a new Constitution devised. William Lenthall, who occupied the Chair of the House of Commons, is the most vivid and arresting figure in the long line of Speakers. He is notable, not so much for the qualities of mind and character which he displayed, as for the greatness of the events with which his name is associated. No Speaker was faced with so many moments of crisis and catastrophe as fell to Lenthall while president of the House of Commons. His lot was cast in times of national trouble and disruption. He was not an inspirational force, ruling the whirlwind and guiding the storm. Rather was he the accidental plaything—at times the unheroic, if not the pitiful, plaything—of the tremendous human passions which raged for many a year round the Chair of the House of Commons.

Lenthall, the second son of William Lenthall of Lachford, Oxfordshire, was born at Henley-on-Thames, in the same county, in June 1591. He was educated at Thame School and St. Alban Hall, Oxford, and was called to the Bar at Lincoln's Inn in 1616. In the House of Commons he had represented the borough of Woodstock, Oxfordshire, for several years, and at the opening of the Long Parliament, on November 8, 1640, he was chosen Speaker. Lenthall was selected by Charles for the office, but he was not the

<sup>1</sup> *Parliamentary History*, vol. 2, pp. 535-7.



WILLIAM LENTHALL.

FROM AN ENGRAVING AFTER THE PAINTING BY S. COOPER



King's original choice. When Charles summoned the Parliament he had intended, according to Clarendon's *History of the Rebellion*, that Sir Thomas Gardiner, the Recorder of London and a staunch Royalist, should be Speaker. But Gardiner failed to get returned. The citizens of London preferred to be represented by Patriots and Puritans. Thus it fell to Lenthall to act as Speaker in the most famous House of Commons.

There is a graphic description of the election by John Rushworth, the Assistant Clerk of the Commons. Lenthall was proposed by Sir Henry Vane; and the House "with one consent" called him to the Chair. "He stood up," says Rushworth, "and desired to be excused for the weightiness of the affairs, and for his own sake, knowing his own weakness, or, at least, for their sakes. But they called him the more, 'To the Chair! To the Chair!' and two Members of the House, the one on the right hand and the other on the left, led him up; and after he was placed in the Chair the House adjourned until Thursday the fifth of November, at nine of the Clock."

On November 5, Lenthall was presented to the King in the House of Lords. Charles was accompanied by the Queen and the young princes, subsequently to become Charles II. and James II. At the Bar were assembled the Speaker and the Commons who were destined to be instrumental in consigning His Majesty to the headman's axe. In the circumstances, Lenthall's speech to the King is of the highest interest. "Most gracious and 'dread Sovereign," he splendidly began; and then proceeded woefully to lament that the Commons had selected him to be their Speaker. If they had but left him in the mean condition in which they found him, and chosen one more fitted for the post, the sacred and pious intentions of his most exalted Majesty might have obtained their full advancement. "But is it yet too late?" he cried. "May I not appeal to Cæsar? Yes, I may; and in the lowest posture of humility"—(here Lenthall fell upon his knees)—"I humbly beseech Your Sacred Majesty to interpose your royal authority to com-

mand a review of the House, for there were never more than now fitted for such employments."

But the Lord Keeper, by the King's direction, highly commended the choice of the Commons and approved of his appointment. Lenthall then made the customary second speech. "It pleaseth not Your Majesty to vouchsafe a change," he began; "actions of Kings are not to be by me reasoned. Therefore, being emboldened by this gracious approbation, give me leave a little, dread Sovereign, to express my thoughts unto our gracious Lord the King." Fanciful compliments poured in a honied stream from the poetic lips of the Speaker. The King was "the glory of times, the history of honour." The Queen was "the monument of glory, the progeny of valiant and puissant princes." The royal children were "those olive branches set round your tables, emblems of peace to posterity."

Two passages which followed had relation, more or less direct, to the absorbing constitutional question of the time. "It is reported of Constantine the Great that he accounts his subjects' purse his Exchequer, and so it is," said Lenthall. "Subtle inventions may pick the purse, but nothing can open it but a Parliament." He added that the Commons were determined to labour for two things—the continuance of their liberties, and the making of His Sacred Majesty terrible to the nations abroad and glorious at home. Then having made the usual claim for the privileges of the House of Commons, he concluded with the fervid outburst: "And God will have the honour, Your Sacred Majesty the spendour, the Kingdom safety; and all our votes shall pass, that Your Sacred Majesty may long, long, long reign over us, and let all the people say Amen!"<sup>1</sup>

"Amen!" "Long live the King!" So shouted the very Commons who, within nine years, were to cut off the head of His Most Sacred Majesty.

<sup>1</sup> Rushworth's *Historical Collections*, Part III. vol. 1, pp. 16-19.

## CHAPTER XXXVII

## CHARLES'S RAID ON THE COMMONS

ONE of the most thrilling scenes of the Parliament was the armed raid which Charles I. made on the House of Commons on January 4, 1642, to demand that five of its Members, most conspicuous in opposing his arbitrary authority—Pym, Hampden, Holles, Stroud, Hazelrig—should be surrendered to his will on a charge of treason. The five Members were in the House when it met after dinner for its afternoon sitting that day, and just as the King appeared in Palace Yard they fled into the Speaker's garden at the back of the Chamber, and taking to the river in boats escaped to the protection of the City.

Charles, bidding his three or four hundred soldiers to remain in the lobby and corridors, entered the Chamber, the first Sovereign who had ever crossed the sacred Bar of the House of Commons, and the last. The Members stood up barehead in homage to their King, and Charles, not to be outdone in courtesy, took off his hat and bowed to them. As it was always with him, he was suave and dignified in manner. He did everything with a kingly grace, even this unprecedented and most unconstitutional invasion of the Chamber in which the elected representatives of the people were supposed to sit and deliberate in the closest secrecy. He paid them the compliment of coming himself, and he was a King, when he might have sent a captain and a company of his guards to effect his purpose equally as well.

As Charles walked up the floor, Lenthall stepped out of the Chair to meet him. "By your leave, Mr. Speaker, I must borrow your Chair a little," was the King's greeting. The inference from most of the histories of the period is that His Majesty did not take the Chair, in the sense of actually sitting in it. But in the *Journals of the House of Commons*—both in the record of the visit and in the Remonstrance which the Commons drew up the next day—it is cate-

gorically stated that His Majesty "placed himself in the Speaker's Chair." The entry in the *Journals* regarding the visit is brief and laconic. "His Majesty came into the House and took Mr. Speaker's Chair. Gentlemen, I am sorry to have this occasion to come unto you. . . ." <sup>1</sup>

At the Table below the King sat John Rushworth, the Assistant Clerk, who wrote a system of shorthand. On his appointment, two years before, Rushworth was prohibited from taking notes of the proceedings, except by order of the House.<sup>2</sup> On this occasion he did take notes, and the King, even in the absorbing care of this desperate enterprise, noticed with surprise his hieroglyphic writing. That same evening the King sent for Rushworth and demanded a report of his observations. The Clerk Assistant pointed out that it was a breach of privilege to disclose things spoken in the House. "To which," says Rushworth, "His Majesty smartly replied, 'I do not ask you to tell me what was said by any Member of the House, but what I said myself.'" Rushworth there and then transcribed his notes of the King's speech, and His Majesty had it sent to the Press.

Charles first apologized for his visit. It was due entirely to the disobedience of the House to his command that the five members should be delivered up to the Serjeant-at-Arms. No King that ever was in England was more careful than he of the privileges of the Commons, but they must know that in cases of treason no person whatever had a privilege. He called over the names of some of the five Members. "Is Mr. Pym here?" No answer. "Is Mr. Holles here?" Still silence from the upstanding and bare-headed Members. Then he turned to the Speaker and said, "Are there any of those persons in the House? Do you see any of them?" Lenthall's reply is famous for all time. He showed a measure of courage and resource which raised him to the height of a great occasion. "May it please Your Majesty," said he, falling on his knees to utter the historic words, "I have neither eyes to see, nor tongue to speak in this place, but as the House is pleased to direct me,

<sup>1</sup> *Commons Journals*, vol. 2, p. 368.

<sup>2</sup> *Ibid.*, vol. 2, pp. 12, 42.



whose servant I am here, and I humbly beg Your Majesty's pardon that I cannot give any other answer than this to what Your Majesty is pleased to demand of me."<sup>1</sup> This is the true voice of the Speaker of the House of Commons. The time was gone and for ever when the King could rely with confidence upon the Speaker to carry out his behests even against the will of the Commons.

"Well," said the King, good humouredly, "I see all the birds are flown." Thus did he leave the House with a joke upon his lips. In the lobby a shout from the Chamber reached his ears. He stopped for a moment and turned his head to listen. "Privilege! Privilege!" The indignation of the Commons against this daring and outrageous innovation by the Sovereign, threatening the last vestige of their importance and authority, was solemnly kept in check in the presence of the King—for he was still "His Most Sacred Majesty"—but as soon as he disappeared through the doors it swelled forth into those fierce cries of "Privilege! Privilege!"

The Civil War was soon to follow. On January 10, Charles left Whitehall for the provinces. On the 11th, the five Commons returned by river from the City to Westminster in triumph, amid the cheers of the populace, the firing of cannon, the beating of drums, and were welcomed by the Speaker as heroes. On the 12th, the House of Commons significantly ordered "That another lock be set upon the door of the House, and daily care be taken that all places thereabouts be safeguarded and set secure."<sup>2</sup> About a year later, the Chair in which Charles sat was removed, as is indicated by the following curious order, which was made by the House on January 2, 1643, "That the House be fitted and accommodated with Curtains for the Windows and a NEW CHAIR, so fitted that it may keep off the injury of the extreme Cold Weather from Mr. Speaker and the Members that sit near the Chair."

Lenthall achieved great renown for the discretion and

<sup>1</sup> Rushworth, *Historical Collections*, Part III. vol. 1, pp. 477-8.

<sup>2</sup> *Commons Journals*, vol. 3, pp. 371-2.

dignity he displayed in the encounter with the King; and desiring to appropriate to himself something more substantial than the mere glitter of this national glory, he informed the House that "his strict and long attendance had very much hurt him both in body and state." On the recommendation of a committee, presided over by Hampden, the House voted him a grant of £6000. To this the curious rider was added "that £2000 thereof shall be paid as soon as conveniently may be."<sup>1</sup> Lenthall was appointed Master of the Rolls in 1643 by both Houses of Parliament.

## CHAPTER XXXVIII

### FLIGHT OF LENTHALL

ANOTHER remarkable scene took place in the House of Commons on July 26, 1647. The Chamber was invaded by the mob, and in his dealings with them Lenthall, who had successfully coped with the King, came off second best, for he was not only roughly handled but compelled to yield to their behests.

The apprentices of Westminster and London, fierce and relentless enemies of the Monarchy, saw backsliding and treachery in the attempt of the Parliament to disband the army, and its indecision in pursuing the King to the death. So they poured into the Palace of Westminster in a mood tempestuous and arrogant. They first went to the House of Lords. Eight peers only were present. These the apprentices quickly terrified into repealing an ordinance which both Houses had passed only a few days before, re-establishing parliamentary control over the Militia of London, and into sending a message to the Commons requesting their agree-

<sup>1</sup> *Commons Journals*, vol. 2, pp. 518-19. After the Restoration, Lenthall declared that "he never received the one-half of this grant, nor any part of that £5 per diem which is due to the Speaker as Speaker whilst he so continues" (*Parliamentary History*, vol. 8, p. 68).

ment with the resolution. The apprentices then surged round the closed doors of the House of Commons. They would not be put off with the answer sent out to them that their petition would be taken into speedy and serious consideration. For six hours they brawled in the lobbies, shouting "Vote, Vote," and pounding at the doors. At 8 o'clock they forced their way into the Chamber, and pouring tumultuously across the Bar, with vituperative cries, coerced the Members into concurring with the message from the Lords.<sup>1</sup>

The House then adjourned till July 30. As the Members were dispersing another whim took possession of the mob. They seized Lenthall on his way to his carriage and carrying him bodily back into the Chamber, placed him in the Chair and compelled him to put a resolution to the House and declare it carried, directing that the King, who at this time was a prisoner of the Parliamentary Army, should be forthwith brought to London for trial.

When the House of Commons met on the 30th, there was no Speaker. Lenthall had fled for protection to the headquarters of the Parliamentary Army under the command of Fairfax, and with him were the Earl of Manchester, Speaker of the House of Lords, and several Members of both Chambers. In a statement of the reasons that moved him to absent himself from the service of the House, which Lenthall had immediately printed and circulated, he stated that the mob, as they jostled and pulled him about in the lobby on July 26, declared that on the 30th they would assemble in larger force, and that after they had made the Commons vote as they pleased, they would destroy him.<sup>2</sup>

Accordingly the Commons, or rather the puritanical and anti-monarchical remnant, which met at Westminster on July 30, 1647, at 8 o'clock in the morning, found themselves without a Speaker. "After long expectation," the *Journals* record, "about noon the Members present desired other Members to repair to the Speaker's House," which

<sup>1</sup> *Commons Journals*, vol. 5, p. 259.

<sup>2</sup> *A Declaration of William Lenthall, Esq., Speaker of the Noble House of Commons* (London, 1647).

adjoined the Roll's Court in Chancery Lane, and they, on their return, reported that the Speaker "was not heard of." Coming to the conclusion, evidently, that Lenthall, by abandoning the service of the House, had in fact resigned, they proceeded to the election of a new Speaker. Their choice fell upon Henry Pelham, a lawyer, who sat for the borough of Grantham. All the ancient forms were adhered to, especially those which appear to modern eyes eccentric and affected. The official entry in the *Journals* is as follows:—

"After prayers, Mr. Henry Pelham was nominated Speaker and called to the Chair by general approbation. Mr. Pelham, first in his place excused himself for his inabilities for so great a charge, which would not be admitted. Sir Anthony Irby and Mr. Richard Lee went to the place where Mr. Pelham sat, and, according to custom, took him by each arm and conducted him and placed him in the Chair. He there again made his earnest excuses, which not being admitted, he submitted to the commands of the House."<sup>1</sup>

So far so good. But now the distracted Commons found themselves in a constitutional difficulty. There was no King. Though they had appointed a Speaker without having received the customary direction to do so from the Throne, they were doubtful of their power to elect him absolutely of themselves, and in their desire, even in that time of revolution, to do things in the ancient fashion, and according to the settled law and order of Parliament so far as that was possible in the circumstances, they decided to present him to the House of Lords for approbation. The Lords had selected Lord Willoughby of Parham as their Speaker, and on this particular day he was presiding over a conclave of seven other peers, when, as may be read in the *Journals of the House of Lords*, a message was brought from the House of Commons by Sir Robert Harley "to desire their Lordships would please to sit awhile, for they had an intention to come and present their Speaker to their Lord-

<sup>1</sup> *Commons Journals*, vol. 5, p. 259.

ships." The answer returned was "that this House will sit awhile as is desired." The Lords retired for a few minutes to put on their robes, and then "the House of Commons came up" and presented Pelham with all the old ceremony. Here is the official record of the interesting occasion:—

"The House of Commons came up. And Henry Pelham, Esquire, made a short speech to this effect: 'That the knights, citizens, and burgesses, being in present want of a Speaker, had made choice of so bad a Speaker as himself; and had commanded him to acquaint their Lordships with such their bad choice.' Then the Speaker (Lord Willoughby) returned this answer: 'That this House very well approves of the choice of the House of Commons; he being a person of such abilities, integrity, and faithfulness to the Parliament.' Hereupon the Commons, with their Speaker, returned to their own House."<sup>1</sup>

The Speakership of Pelham ended abruptly within a week.

On August 6th, Lenthall and the Commons and Lords who had fled with him were escorted by Fairfax and the Army to Westminster, and the proceedings of both Houses on July 26, and all "Acts, Orders, and Ordinances made or pretended to be made" in their absence, were declared null and void.<sup>2</sup>

## CHAPTER XXXIX

### CROMWELL ENDS THE COMMONS' PRATING

THE question is—"Many were the momentous decisions which, preceded by this formal phrase, Lenthall put from the Chair. None was more stupendous than the question of the appointment of a Judicial Commission to try Charles I. on a charge of high treason against the people of England.

<sup>1</sup> *Lords Journals*, vol. 9, p. 358.

<sup>2</sup> *Commons Journals*, vol. 5, pp. 268, 280.

There can be little doubt that Lenthall performed with reluctance his part as Speaker in the proceedings which ended in the execution of the King at Whitehall on January 30, 1649, and that it weighed heavily on his conscience to the end. In a tract called "Speaker Lenthall, his Deathbed Repentance," written in September 1662, there is an account of his last hours by the clergyman who attended him, Dr. Bredock, afterwards Bishop of Chichester. Lenthall declared that no excuse could be made for his having put the question for the trial of Charles I., but it was consoling to him to know that he had the pardon of King Charles II., and he hoped Almighty God would show him mercy also. "Yet, sir," he added, "even then, when I put the question, I hoped the very putting the question would have cleared him, for I believed Four for One were against it, but they deceived me also." He went on to explain why, in the circumstances, he did not resign, but continued to act as Speaker. "I make the candid confession," said he, "that it was my own baseness and cowardice and unworthy fear to submit my life and state to the mercy of those men that murth'r'd the King that hurried me on against my own conscience to act with them. Yet then I thought also I might do some good, and hinder some ill."<sup>1</sup>

Soon after they had beheaded the King, the Commons abolished the House of Lords. In May 1649 an Act was passed declaring England to be a "Free Commonwealth," governed by the elected representatives of the people in Parliament assembled without the intervention of Sovereign or peers. The Speaker of the House of Commons was now supposed to be the greatest man in the country. At least he took the place of the King as the symbol or head of the nation. The Corporation of the City of London entertained the Commons at a banquet in the Guildhall on June 7, 1649, in thanksgiving for the establishment of the sovereignty of the people, whereat Lenthall was received with the honours accorded before only to the Sovereign. The Lord Mayor

<sup>1</sup> *Memoirs of the Two Last Years of the Reign of King Charles I.* (1702), 301-2.

surrendered his sword to the Speaker, and had it graciously returned.<sup>1</sup>

Yet the most powerful personage in the country was not William Lenthall, Speaker of the House of Commons, but Oliver Cromwell, Captain-General of the Army. In 1653 the Commons and Cromwell were at variance. The Commons, indeed, were but the "Rump," or those Members who survived "Pride's Purge," which was administered on December 6, 1648, and had become a mere clique of crotcheters and talkers. On April 20, 1653, as they were discussing a Bill for the constitution and election of a new representative Assembly, Lenthall being in the Chair, Cromwell came in, wearing plain black clothes with grey worsted stockings, and sat and listened to the debate. But when the Speaker rose and put the question, "That this Bill do pass," he sprang to his feet and contemptuously putting on his hat strode up and down the floor, rating the House for their neglect of the public good and their desire only to perpetuate themselves in power. From this general attack he proceeded to revile individual Members as whoremasters and drunkards. Sir Peter Wentworth ventured to rise in protest. Such language, he said, was most unbecoming from the servant whom the House had so highly trusted and honoured. "Come, come! I will put an end to your prating," cried Cromwell. "You are no Parliament. I say you are no Parliament. I will put an end to your sitting." At his word, Thomas Harrison called in the guard, and thirty or forty musketeers tramped into the Chamber.

Lenthall's conduct was manly and dignified. He refused to leave the Chair. Cromwell directed Harrison to bring him down. One contemporary description says that Harrison caught the Speaker by the gown and roughly pulled him out of the Chair.<sup>2</sup> But Harrison in an account, which he furnished in 1660, when, after the Restoration, he was sentenced to death for his part in the execution of Charles I., denies that he used any compulsion. "I went to the Speaker," he says, and told him, "Sir, seeing things are brought

<sup>1</sup> *Commons Journals*, vol. 6, p. 222.      <sup>2</sup> Blencome, *Sydney Papers*, 140.

to this pass, it is not requisite for you to stay there. He answered he would not come down unless he was pulled out. Sir, said I, I will lend you my hand; and he, putting his hand in mine, came down without any pulling, so that I did not pull him."<sup>1</sup>

There remained the Mace. Cromwell's eye fell upon it as it lay at the end of the Table. He was in a most irreverent and sardonic humour. The emblem of the Speaker's authority reminded him of the jester's staff with bells. "What shall we do with this bauble?" he first asked. Then he quickly answered the question himself by turning to the Captain of the Musketeers and saying, "Here, take it away!" He also got the Bill of Elections from the Clerk. Finally, he saw that the doors of the Chamber were locked. That evening some wit scribbled on the doors—"This House to be let unfurnished." Cromwell himself said that after he had thus dispersed the House of Commons by force not a dog barked.

Then began the absolute military dictatorship of Cromwell. On his summons a House of Commons, not elected but nominated by himself, met at St. Stephens on July 5, 1653. This is known as "Barebone's Parliament"—so called after the religious fanatic, "Praise-God Barebones," a leather-seller in London, and a shining light of the Assembly. The Speaker selected was Francis Rous, a lawyer, but more interested in theology, who had been nominated to represent Devonshire.<sup>2</sup> The election was totally divested of all ceremony. There was a sweeping departure from the usage which even then had been ancient. It was resolved "That Francis Rous, Esquire, he called to the Chair," just as formal a matter as the appointment of a chairman of a public meeting is in these days. Rous did not disable himself. He made no protestation of his unsuitability for the post. Nor did he need to be conducted to the Chair by two sponsors. He took it without any ado. The Commons on their part did not think it necessary to submit their choice

<sup>1</sup> *Lives and Speeches of those Persons lately executed*, 9 (1661).

<sup>2</sup> Rous was appointed Provost of Eton College, and dying in 1658, was buried in the Chapel of the College.





CROMWELL'S EXPULSION OF THE MEMBERS  
FROM AN ENGRAVING AFTER THE PAINTING BY BENJAMIN WEST



to the approbation of any one, not even Cromwell, being content, no doubt, with the knowledge that Rous was in fact the nominee of the Captain-General. Yet they had the same distrust and jealousy of the Speaker as was entertained by their forefathers who sat under Kings. They decided that the term of office should be only a month. Rous therefore was re-elected every four weeks. They also decided on July 6 to drop the name of "Assembly" for that of "Parliament," and they recovered the Mace from the military.<sup>1</sup>

It was inevitable that such a Parliament, composed as it was of fanatical and turbulent men, should have a short life, as well as an exciting and emotional one. Soon they came into collision with the Captain-General, or rather with the "Lord Protector," which they themselves decided should be his title. Cromwell was unwilling to dissolve by force another Parliament in so short a time, and he found in the Speaker as ready an instrument to effect his purpose as if he were a King. On December 12, 1653, it was proposed that the House should deliver up to the Lord Protector the powers it had received from him. Rous did not put the question, for he had reason to believe it would be defeated. Acting with that wild and untutored freedom which Speakers gave themselves at this time, at the call of circumstances, he hastily quitted the Chair, and attended by the Serjeant-at-Arms carrying the Mace, and followed by about forty Members, proceeded to the Palace of Whitehall, and there, on behalf of the House, resigned its commission into the hands of Cromwell.<sup>2</sup>

<sup>1</sup> *Parliamentary History*, vol. 3, p. 1410.

<sup>2</sup> Gardiner, *History of the Commonwealth and Protectorate*, vol. 2, pp. 279-81.

## CHAPTER XL

## SPEAKERS DURING THE PROTECTORATE

CROMWELL summoned his first Parliament in 1654. Consisting of a single Chamber of 400 Members, —including 30 from Scotland and 30 from Ireland, —it met on September 4, and was opened by the Lord Protector with almost all the ancient regal pageant. There was first of all a service and sermon in Westminster Abbey, after which the opening ceremony took place in the Painted Chamber of the Palace of Westminster. Cromwell occupied a Chair of State raised on a platform, while the Commons sat bareheaded on benches around him. He explained the grounds of their being called together, and ended a long speech with those words: "I desire you to repair to your House and to exercise your own liberty in the choice of a Speaker, that so you may lose no time in carrying on your work."<sup>1</sup>

Lenthall was not in the nominated, or "Barebone's" Parliament. He was returned both by the City of Gloucester and the county of Oxford to the first Parliament of the Protectorate, and he elected to sit for the latter constituency. On the recommendation of Cromwell he was unanimously voted to the Chair. The brief record in the *Journals* simply states "That Mr. Lenthall, Master of the Rolls, was called to the Chair as Speaker,"<sup>2</sup> and, as in the case of Rous, there was no presentation to Cromwell for approbation.

This Parliament was dissolved on January 22, 1655. Lenthall was again returned for the county of Oxford in the second Parliament of the Protectorate, which was opened by Cromwell on September 17, 1656. But Sir Thomas Widdrington, a lawyer, who represented Northumberland, was chosen Speaker on the motion of Lord Commissioner Lisle. The election was marked by some return to the traditional procedure.

<sup>1</sup> *Parliamentary History*, vol. 3, p. 1134.   <sup>2</sup> *Commons Journals*, vol. 7, p. 365.

Widdrington pleaded his unworthiness, and asked the House to think of some one more fitted for the post. But the reply of the House was a general call "to the Chair," and Widdrington thereupon submitted himself to be led to the Chair by the Lord Commissioners Lisle and Fiennes. "As it was their love that called him to the service," said he from the Chair, "so if he did err therein, as he was of all men most apt to do, the same love would pardon it."<sup>1</sup>

Nevertheless this Parliament did not look upon the Speaker as an inviolable personality, like a King or priest, anointed with the sacred oil, who continued Speaker, whatever happened, until the Dissolution, for when Widdrington got indisposed they did not adjourn until his recovery, but promptly elected another to fill the Chair. On January 27, 1657, Widdrington attended, but felt so ill that he had immediately to leave. It was at once moved and agreed to that Lord Commissioner Whitelocke should preside so long as Widdrington's indisposition lasted. Whitelocke was accordingly conducted to the Chair in the ancient fashion by two Members. "And being there set," the *Journals* say, "desired, since the House was pleased to command his services in that place on this occasion, that the House should be pleased to construe with all candour his words and actions therein, and that they will give him a freedom of minding them and keeping them to the Orders of the House, for the service and honour of the House." The House then resolved "That these ceremonies and respects that were used to the former Speaker shall be used to the present Speaker, and that he have the profits due to the Speaker."<sup>2</sup>

Widdrington was absent for three weeks. On his return, February 18, a resolution was passed "That the Lord Whitelocke have the thanks of the House for his great and faithful service to the business of the House as Speaker, during the absence of the present Speaker."<sup>3</sup>

It appears as if Whitelocke got no "profit" out of his "great and faithful service." On February 13 a question

<sup>1</sup> *Commons Journals*, vol. 7, p. 423.

<sup>2</sup> *Ibid.*, vol. 7, pp. 482-3.

<sup>3</sup> *Ibid.*, vol. 7, p. 493.

arose as to which of the two Speakers the fees of five pounds on each private Bill—then the most valuable perquisite of the Chair—were to be paid; and it was decided that if Widdrington did not return by a certain date the money should go to Whitelocke. By that date Widdrington was back in the Chair. The fees were accordingly lost to Whitelocke. "At the hazard of his life his old colleague, though very feeble still," we are told, "did come back, since the collective fees proved much too strong a temptation."<sup>1</sup>

Oliver Cromwell died on September 3, 1658, and was succeeded by his son Richard as Lord Protector. In the two years which followed before the Restoration of Charles II. there were as many as four Parliaments and seven Speakers. Richard Cromwell summoned a Parliament which met on January 27, 1659. Chaloner Chute, a lawyer of distinction, and one of the knights of the shire for Middlesex, was chosen Speaker. The part played by the Clerk in the election of the Speaker, and the moment when the Mace is produced, are on this occasion recorded for the first time in the *Journals*. It is stated that the Clerk sat in his place as director during the ceremony, and that not until the election was completed was the Mace laid upon the Table.<sup>2</sup>

Chute fell ill, and on March 9, 1659, begged that he might be totally discharged from his office as Speaker, or else be allowed a long respite from its service. The House decided to give him leave of absence. "Whereupon, by leave of the House," it is written, "he left the Chair, and went home to his own house, and the Serjeant attended him with the Mace out of the House, and to his coach, and afterwards brought the Mace back and placed it below, under the Table."<sup>3</sup> Sir Lislebone Long, Recorder of London, and Member for the City of Wells—one of Oliver Cromwell's knights—was thereupon chosen by the House to "supply the Speaker's place during his absence, occasioned by his present indisposition of health and no longer," say

<sup>1</sup> *Memoirs of Bulstrode Whitelocke*, 420.

<sup>2</sup> *Commons Journals*, vol. 7, p. 594.

<sup>3</sup> *Ibid.*, vol. 7, p. 612.

the *Journals*. Long may therefore be described as "Deputy Speaker," though the title was not given to him.

Long himself was forced by sickness to retire from the Chair five days later, and died the next day. Chute survived for another month, but did not return to the House of Commons. Thomas Bampfylde, Recorder of Exeter, and the representative of that city in the House of Commons, was appointed to take Long's place as Speaker *pro tempore* on March 16, and on April 15—the day after Chute's death—he was elected Speaker. Just a week later Richard Cromwell was compelled by the Army to dissolve the Parliament.

William Lenthall reappeared once more on the scene of his strange vicissitudes as Speaker. Richard Cromwell threw up the post of Lord Protector; and the Army decided to send a deputation to Lenthall with the request that he would return to his post, and assist in the restoration of the "Rump" of the Long Parliament. Lenthall at first hesitated. He pleaded that age and feebleness unfitted him for long sittings in the Chair. Moreover, he was disposed to think that the Long Parliament was not legally in existence, having been brought to an end by the death of Charles I., according to the law of the Constitution. However, he yielded, and on May 7, 1659, headed a procession of forty-two of the old Members into St. Stephens and took the Chair as Speaker. He had further strange experiences. This Parliament was dispersed by the "Committee of Safety," and after two months was restored on December 26, 1659. On January 13, 1660, Lenthall acquainted the House that he was suffering from an attack of gout, and asked "that he might have liberty, for his health's sake, to retire himself for ten days."<sup>1</sup> It is believed that distress of mind, rather than of body, was Lenthall's disorder. Being now convinced of the coming restoration of the Monarchy, and, indeed, heartily desiring it, he absented himself so as to avoid any responsibility for the Bill by which the Republican Party

<sup>1</sup> *Commons Journals*, vol. 7, p. 811.

sought to impose upon the Members of the House of Commons an oath abjuring the House of Stuart. William Say, one of the regicides who signed the death-warrant of Charles II., was chosen to act as "Speaker *pro tempore*" during Lenthall's absence.<sup>1</sup> He was a lawyer, and represented the Cornish borough of Camelford.

Lenthall came back on January 21. On February 13 the excluded Members of the Long Parliament were re-admitted to the House of Commons by General Monk, now head of the Army and the leader of the popular movement for free and constitutional Parliaments, and on March 16 the Long Parliament declared itself dissolved after a chequered existence of close on twenty years.

## CHAPTER XLI

### RESTORATION OF THE MONARCHY

THE "Convention Parliament," which, under the dominating influence of Monk, was to decree the restoration of Charles II., assembled on April 25, 1660. Lenthall failed to get re-elected for Oxfordshire, though pressing letters in his interest were addressed to the electors by Monk. The Speaker chosen was Sir Harbottle Grimston, a member of an old Essex family, and a lawyer, who represented Colchester. He was conducted to the Chair by Monk, who sat in the House as one of the knights of the shire for his native Devon.

Charles II. came back from his exile. On May 29, 1660, both Houses of Parliament waited upon him at the Palace of Whitehall with congratulations on his return to his dominions. The Lords were first received. At 7 o'clock in the evening the Commons, headed by the Speaker, walked barehead from St. Stephens to the Palace. In the Banqueting Hall the Speaker, preceded by the Serjeant-

<sup>1</sup> *Commons Journals*, vol. 7, p. 811.



at-Arms, carrying the Mace "turned downwards" and followed by the Members, went to the foot of the Throne and delivered an oration to the King.<sup>1</sup> "Most gracious and dread Sovereign," he began, "if all the reason and eloquence that is dispersed in so many several heads and tongues as are in the whole world were conveyed into my brain and united in my tongue, yet I should want sufficiency to discharge that great task I am now enjoined." Then he proceeded to praise the King in the old traditionary terms, at once verbose and ponderous, fulsome and servile, and finally, going on his knees, declared that he had a Petition of Right to which he begged the Royal Assent.

"Sir," said he, "it had already passed two great Houses—Heaven and Earth—and I have *Vox Populi* and *Vox Dei* to warrant this bold demand. It is, that Your Majesty would be pleased to remove your Throne of State and set it up in the hearts of your people; and, as you are deservedly the King of hearts, there to receive from your people a crown of hearts. Sir, this crown had three excellent and rare properties—it is a sweet crown, it is a fast crown, and it is a lasting crown. It is a sweet crown, for it is perfumed with nothing but the incense of prayers and praises. It is a fast crown, for it is set upon your royal head by Him who only hath the power of hearts, the King of kings. And it is a lasting crown, Your Majesty can never wear it out, for the longer you wear this crown it will be the better for the wearing; and it is the hearty desires and most earnest prayers of all your loyal, loving, and faithful subjects that you may never change that crown till you change it for a better, a crown of eternal glory in the highest heavens, and the Lord say, Amen."<sup>2</sup>

During the popular rejoicings Lenthall had fallen into the background. His sole desire now was to remain in obscurity. But soon he was sought out by those in authority, not with liking and appreciation, but with the rage and violence with which all who had in any way participated

<sup>1</sup> *Commons Journals*, vol. 8, p. 49.

<sup>2</sup> *Parliamentary History*, vol. 4, pp. 56-8.

in the death of Charles I. were pursued to death, to exile, to ruin, with disgrace and infamy. The House of Commons of the Convention Parliament, in June 1660, included Lenthall among the twenty persons whose rank offences must be expiated by the sacrifice of their lives; but the House of Lords, moved by Monk's intercession on account of his services in forwarding the Restoration, reduced the penalty to deprivation of his office of Master of the Rolls.

Lenthall was decidedly unheroic. He was not base, for it cannot be said he prostituted his office to serve his own private and selfish aims and ambitions, but there was one act by which he demeaned himself, and cast a stain on the Speakership. He appeared as a witness at the trial of the regicides, and testified to compromising words spoken by one of the prisoners in the House of Commons during his tenure of the Chair. This was Thomas Scot, who on the eve of the Dissolution of the Long Parliament made a speech in which he said he desired no better epitaph than this—"Here lies one who had a hand and a heart in the execution of Charles Stuart." At the trial Scot pleaded that the words were covered by the privilege of Parliament, but the plea was set aside. Among those called to prove they had been spoken was Lenthall. He contented himself with deposing that Scot had justified the death of the King. "I confess to you, upon my oath," said he, "touching his speech of the inscription upon his tomb, I did not hear that. Justifying the death of the King he made a long harangue about, and he sate at the upper end of the gallery, but these words of having it written upon his tomb, and to have all the world take notice of it, I do not remember."<sup>1</sup> Lenthall was obviously a reluctant witness; but in giving evidence at all he violated his historic declaration that "he had neither eyes to see nor tongue to speak" in regard to things said and done in the House of Commons. He died in 1662.

The second Parliament of Charles II., though the first actually elected in his reign, met on May 8, 1661. Sir

<sup>1</sup> *State Trials*, vol. 5, p. 1003.

Edward Turnour, who represented the shire of Hertford, was chosen Speaker. In him the long succession of lawyers, unbroken amid all the changes of the fall of the Monarchy and the rise of the Protectorate on its ruins, was continued by the restored King. He was proposed by Sir Charles Berkeley, Comptroller of the Household,<sup>1</sup> showing that with the Restoration the old intimate relations between the Crown and the Chair were revived. The Speakership was again in the gift of the King.

The long and austere years of puritanical, democratic, and republican influences through which the country had just passed, did not in the least diminish or chasten the hyperbole of the Speaker's address to the King at the Bar of the House of Lords. Indeed, Turnour was as skilful and absurd as any of his predecessors in the weaving of the flowery garnishment of his oration. In the sentimental pleading to the King to discharge him as one unfit for so weighty an employment, he introduced, however, an original and fresh simile.

"Your Majesty well knows," said he, "when a ship puts forth to sea she should be provided with mariners of all sorts. In case a storm doth rise, some must trim and lower the sails, some must watch aloft the decks, some must work at the pump, but he had need be a very good seaman that is the pilot. Sir, I hope I may be useful to this your sovereign vessel in some of these inferior places, but I dare not undertake to be their steersman. I do most humbly therefore beseech Your Majesty that you will not take us at our first word. Our second thoughts are best. Pray, therefore, be pleased to command the Members of the House of Commons to return to their House to recollect themselves, and to present Your Majesty with a better choice."

The spectacle of the King on his Throne, surrounded by Lords and Commons, after a lapse of twenty years, seems to have dazzled the Speaker and lifted him to the topmost regions of ecstatic emotion and rapture. "Sir," he cried, in his transports, "a weak head is soon giddy, but the strongest

<sup>1</sup> *Commons Journals*, vol. 8, p. 245.

brain may here be turned. The presence of this glory and the glory of this presence do transport me. Whilst I contemplate the incomparable beauty of this body politic, and the goodly order of this High Court of Parliament, where at once I behold all the glory of this nation, I am almost in the condition of St. Paul when he was taken up into the third Heaven. All he could say upon his return was, 'he saw things unutterable.'" As he proceeded he became more lyrical, and ended appropriately with this rhapsodical burst: "If the affections of all Englishmen can make you happy, if the riches of this nation can make you great, if the strength of this warlike people can make you considerable at home and abroad, be assured you are the greatest monarch in the world. Give me leave, I beseech you, to double my words and say it again. I wish my voice could reach to Spain and the Indies too.—You are the greatest monarch in the world."<sup>1</sup>

Turnour was well rewarded by the Crown for his services in the Chair. In December 1663 he was paid £2000; in July 1664, £5000; and in September 1671, £4000, as free gifts,<sup>2</sup> and therefore presumably in addition to the usual fees and allowances of the Speaker. In May 1670, while still Speaker, he was made Solicitor-General. He was appointed Chief Baron of the Exchequer in May 1671, and thereupon resigned the Speakership.

On the nomination of Sir William Coventry, Secretary of State, Sir Job Charlton, the son of a London goldsmith, and a lawyer, who sat for Ludlow, was chosen to succeed Turnour in the Chair on February 4, 1672. He discharged the duties of the office for ten days only. On February 15, he was so indisposed that as soon as he took the Chair the House had to adjourn. It met again on the 18th, when the following letter, which he wrote that morning, was read by the Clerk:—

"Honourable Gentlemen, I am in duty forced to move you that you would, with His Majesty's leave, proceed to the choice of another Speaker, and permit me to retire into the country."<sup>3</sup>

<sup>1</sup> *Parliamentary History*, vol. 4, pp. 200-5.

<sup>2</sup> *National Dictionary of Biography*.

<sup>3</sup> *Commons Journals*, vol. 9, p. 253.

Charlton had also sent a letter to the King, praying his Majesty to move the Commons "to permit him to retire into the country, and to give them leave to choose another Speaker," and the King's permission having been intimated, the House immediately proceeded to fill the vacant Chair. Edward Seymour, Member for Totnes, was selected, on the motion of Mr. Secretary Coventry, as a fit person "both in respect of his ability and experience, as also of his constitution and health of body,"<sup>1</sup> say the *Journals*, thus for the first time officially recording the reasons for the choice of a Speaker.

## CHAPTER XLII

## A PROUD SPEAKER

THE Speakership of Seymour is conspicuous in the annals of the Chair. He belonged to an old and powerful family, of which Jane Seymour, wife of Henry VIII. and mother of Edward VI., and her brother, the Duke of Somerset, were members, and he was perhaps the haughtiest and most arrogant man that has ever presided over the House of Commons. He was Treasurer of the Navy, with a salary of £3000 a year, and this office he retained during his tenure of the Speakership. But he was not bred to the law, and therefore his appointment broke the rule which had lasted for one hundred and fifty years, that none but lawyers should be called to the Chair.

In 1673 the King made him a Privy Councillor. The independent Members of the House and the Country Party looked on the appointment with disfavour. The holding of such an office was, in their view, incompatible with the independence of the Speaker in his communications with the Crown as the mouth of the House. An interesting and instructive debate on the question took place on October 27, 1673. That distinguished parliamentarian, Sir Thomas

<sup>1</sup> *Commons Journals*, vol. 9, p. 253.

Littleton, pointed out that as Privy Councillor the Speaker would be admitted to the most secret conclaves of the King. "And how improper is that," he exclaimed, "we having no man to present our grievances but you." He added, addressing the proud and hot-tempered Speaker, "You are too big for that Chair and for us, and you that are one of the governors of the world to be our servant is incongruous." Sir Thomas Clarges enlarged on the point that the Speaker was entrusted with all their secrets. "In your predecessors' times," said he, "no Speaker had liberty to go to Court without leave."

On the other hand, it was insisted by the courtiers that several Speakers had been of the Privy Council, and that it was of advantage to the Commons to have their mouth so close to the ear of the King. But the contrary view found most expression in the debate. "With you a Privy Councillor and so near the King," said Powle, "your frowns may be a terror to any man that shall speak how the Council have misled the King and given him advice to overtop us." A new charge was brought against Seymour by Mr. William Harbord, a severely virtuous Puritan. It was that "in resorting to gaming-houses and other evil places" the Speaker exposed the House to dishonour. But Colonel Strangeways thought nothing the worse of the Speaker for being a gamester. "I wish men were guilty of no greater crime," said he. "The Judges may as well be accepted against." Finally, Seymour assured the House that "he held no employment a greater honour to him than that which he had in their service," and the motion of censure was negatived.<sup>1</sup>

Seymour was a strong Speaker, but he was feared rather than loved, and respected more than esteemed. At this time it was the duty of the Speaker to frame the motion or question out of a debate or discussion which was to be put from the Chair for the decision of the House; and Bishop Burnet gives a curious instance of Seymour's skill and subserviency in turning this duty to the interest of the Court party. "He knew the House and every man in it so well," says the

<sup>1</sup> *Grey's Debates*, vol. 2, pp. 186-8.

historian, "that by looking about him he could tell the fate of any question." If necessary he would wilfully mistake the question in order to cause delay, and thus give time to the Court party to gather their supporters, and only when he saw there was a sufficient number present to carry or defeat the motion—as the case might be—would he put it correctly from the Chair.<sup>1</sup>

As was to be expected in so proud a man, he went to the extreme in upholding the high dignity and importance of his position. One day as he was driving to the House of Commons, attended by his retinue of servants, his carriage broke down at Charing Cross, and at once he ordered his beadles to stop the first gentleman's coach they met and bring it to him so that he might continue his journey. The owner of the coach not unreasonably protested against being ejected by force. "Sir," was Seymour's impudent retort, "it is more proper for you to walk in the streets than the Speaker of the House of Commons."

### CHAPTER XLIII

#### THE KING'S POWER TO ADJOURN THE HOUSE

THE disputed question whether the King had power to adjourn the House of Commons without the consent of its Members, which had placed Sir John Finch in a position of extreme embarrassment in 1629, arose again in 1677. But however Seymour may have felt its unpleasantness as Speaker on account of the temper it aroused in the House, he had no misgivings as to the way he should cope with it. He was without sympathy with the Party who, with no less wisdom than courage, was endeavouring to free the House of its bondage to the Crown, and accordingly in the struggle he, like Finch, was wholly on the side of the King.

The Commons were opposed to the alliance with France,

<sup>1</sup> Burnet, *History of His Own Time*, vol. 2, pp. 70-1 (1813 edition).

on which Charles II. had set his heart, and urged instead a league offensive and defensive with Holland. On May 28, 1677, they received a message from the King summoning them to his presence. A few Members hurriedly quitted their seats and rushed for the door, with the very human desire to secure good positions at the Palace of Whitehall, but greatly to the scandal of the courtly Speaker. "The burgesses of Newcastle and Leicester," said he, in a stern reprimand, "are in great haste to be gone before the King's message is reported, as if they want to get places at a show or a play."<sup>1</sup> At Whitehall the Commons were told by the King that their action was an intolerable entrenchment upon his prerogative, and to give them time for cool reflection he directed that Parliament should be adjourned until July 16.

On the return of the Commons to St. Stephens the Speaker made the customary report of the King's command. Henry Powle at once stood up, but Seymour interposed before he could say anything. "I must hear no man speak now that the King's pleasure of adjourning the House is signified," said the Speaker peremptorily. Nevertheless a discussion took place. The speeches and proceedings which followed show the maturing and strengthening of the feeling of antagonism to the subservience of the Chair to the Crown, and to the Speaker's domination in the interest not of the privileges of the Members, but of the King's prerogative, and with it the determination to teach the Speaker that he was, above and beyond everything else, the servant of the House. "The act of adjourning the House cannot be yours, Mr. Speaker, but the act of the House," said Sir Thomas Lee, "and no question can be put when a gentleman stands up to speak." He added severely: "Pray let us keep methods, however." But the Speaker was unshaken and decisive. "When there is a command from the King to adjourn, we are not to dispute about it, but to obey and adjourn," said he. "After a command of this kind there remains nothing for you to do but to execute it." Realizing the strength and determination

<sup>1</sup> *Grey's Debates*, vol. 4, p. 389.



of the Independent Members to resist, Seymour quickly declared the House to be adjourned until July 16, without putting the question; and hurriedly left the Chair.<sup>1</sup>

Sir John Reresby, who was a Member at the time, says in his *Memoirs*, that Seymour's action was without precedent, and greatly discomposed the House. "Some," he writes, "were offering to hold the Speaker in the Chair, but he leapt from it very nimbly"; and he adds that Seymour was in fear that "mutinous speeches" would be delivered had he put the question for adjournment.<sup>2</sup> As the Independent Members were too late to detain Seymour by force, they attempted to secure the Mace, with a view to putting some one else in the Chair. But the retainers of the Court formed a guard round the Serjeant-at-Arms, and the Speaker went away amid shouts of reproaches and threats that, like Finch, he would be called to account.

The Independents, however, were quite powerless. On July 16, when the House again met, it was known that the King had commanded a further adjournment until December 3. Before the announcement was officially made, Lord Cavendish moved that the House might see from the *Journals* by what order and in what method they were adjourned last, and the motion was seconded by William Williams. "But," says Anchitell Grey, "some cried out Adjourn, Adjourn; others called Question! But the Speaker told them 'that he had received orders from the King, by Mr. Secretary Coventry, to adjourn the House till December 3, and pronounced the House adjourned accordingly.'"<sup>3</sup>

On December 3 the King commanded an adjournment to January 15, 1678, and again the Speaker at once adjourned the House without question put. On January 15 there was a command from the King to adjourn to January 28. Several Members rose to speak, but the Speaker refused to hear them, and left the Chair.

In truth, usage, custom, authority were ranged against

<sup>1</sup> *Grey's Debates*, vol. 4, p. 390.

<sup>2</sup> *The Memoirs of Sir John Reresby* (edited by J. J. Cartwright, 1875), 118.

<sup>3</sup> *Grey's Debates*, vol. 4, pp. 390-1.

the Independents. Seymour's action was by no means what they represented it to be—a gross instance of the presumption of a domineering Speaker. Seymour was undoubtedly a stout adherent of the King, and His Majesty's most obedient servant; but his conduct had behind it the rules of the House, or rather the constitutional practice of generations. Moreover, the Commons would have acted without authority had they put another in the Chair on the occasion when Seymour so nimbly sprang out of it. As Hatsell, writing in the middle of the eighteenth century, points out, a direction from the Sovereign was then regarded as "essentially necessary" to enable the Commons to proceed to elect a Speaker,—the precedents of the Civil War notwithstanding,—and therefore, a motion to appoint another in Seymour's place, even *pro tempore*, would have been "highly irregular."<sup>1</sup>

The subject was renewed when the Parliament met again on January 28, 1678. The Commons postponed even the consideration of the Speech delivered by the King at the opening of the Parliament, until they discussed what appeared to them to be the more urgent and important question of the irregular adjournments of the House by the Speaker.

William Sacheverell, the renowned Parliamentary orator, opened the debate. He said it seemed as if the Speaker undertook to be bigger than the House, for he dared to violate its rights solely on his own authority. These rights, he contended, were secured by two rules of the House. "That it is the Standing Order and undoubted right of the House," said one, "that the House be not adjourned by the Speaker, but by the Consent of the House, and not by the Speaker only." "That when a gentleman stands up to speak," said the other, "the person is not to be silenced unless the House overrule him." What seems in the circumstances to be a complete answer to this argument, was supplied by Sir Charles Wheeler. "When the King sends to adjourn," said he, "the question is between the King and us, and not between the Speaker and us."

<sup>1</sup> Hatsell, *Precedents*, vol. 2, p. 219 (1818 edition.)

Sir William Coventry, Secretary for State, interposed to deplore the extreme danger to the country of delaying public business when a war with France was imminent. "I vow to God," he cried, in an odd expression, "though I hate murder, yet I had rather be guilty of twenty murders than hinder our proceedings now." He therefore humbly moved that the debate be laid aside. But the talk went on. "It is in vain to think of conquests abroad, when we lose our liberty at home," said Powle. "By the same reason that you adjourn the House, Mr. Speaker, you may put any question." Seymour had his reply ready. He had but acted strictly according to the orders. "In all the *Journals*," said he, "I cannot find that when the King commanded an immediate adjournment, the House proceeded in one tittle of business."<sup>1</sup>

The debate was adjourned until February 9, when it ended with curious inconclusiveness. The House was then adjourned on a division by 131 to 121, but not the debate, and no question was passed upon the matter of the debate.<sup>2</sup>

On the reassembling of the Commons, on April 11, 1678, after a short Easter recess, it was announced that Seymour was ill at his house in the country. Being unable to write, he sent a message. It does not appear that he actually tendered his resignation. "So soon as it should please God to restore him," said his uncle, Henry Seymour, "he would return to their service."

The King, however, directed that a new Speaker should be appointed. "His Majesty had received advertisement," said Mr. Secretary Coventry, "that Mr. Speaker does labour under so great an indisposition of health that he cannot possibly for a long time attend the service of the House, and to the end that public affairs may receive no delay His Majesty did give leave to the House to choose a new Speaker."<sup>3</sup>

Accordingly, Coventry named Sir Robert Sawyer, Member for Chipping Wycombe, as Seymour's successor.

<sup>1</sup> *Grey's Debates*, vol. 4, pp. 1-17.

<sup>2</sup> *Commons Journals*, vol. 9, p. 436; *Grey's Debates*, vol. 5, pp. 122-44.

<sup>3</sup> *Commons Journals*, vol. 9, p. 463.

There was a contest, the first for the Chair on record. Who was proposed in opposition to Sawyer, and why, are questions which are left unanswered. But it is evident from the *Journals* that a second Member was nominated, though his name is not given. Then a difficulty arose. Who should put the question in these novel circumstances? It is stated that a precedent was produced out of the *Journal* of the Parliament of James I., showing that in a like case the question was put by the Clerk.<sup>1</sup>

Goldesbrough, the Clerk, however, seemed fearful of acting unconstitutionally. He pointed out that the Mace was not in the House, and "he did humbly leave it to their consideration" whether the business could regularly be done without the Mace. After some debate the Serjeant-at-Arms was directed to bring in the Mace and place it under the Table. Then the Clerk put the question: "All that will have Sir Robert Sawyer say yea." "Which," say the *Journals*, "being carried in the affirmative by much the greater number of voices, without any division of the House, Sir Robert Sawyer was thereupon conducted to the Chair by Mr. Secretary Coventry and Mr. Secretary Williamson."<sup>2</sup>

The line of lawyers as Speakers was restored by the election of Sawyer. His appearance in the Chair was but ephemeral. On May 6, writing from Lincoln's Inn Fields to the Commons, he said he was reduced to such weakness of body by pain that he could no longer attend the service of the House without hazard to his life, and asked to be discharged from the duty. The King's leave for the choice of another Speaker was then declared; and as Seymour, now restored to health, was present, he was recalled to the Chair on the motion of Mr. Secretary Williamson.<sup>3</sup>

<sup>1</sup> There is no motion of this earlier contest for the Chair in the printed *Journals of the House of Commons*.

<sup>2</sup> *Commons Journals*, vol. 9, p. 463.

<sup>3</sup> *Ibid.*, vol. 9, p. 476.

## CHAPTER XLIV

## REFUSAL OF THE ROYAL APPROBATION

I N the next Parliament of Charles II., which met on March 6, 1679, an extraordinary position in regard to the Speakership was unexpectedly developed. The relations of Seymour with the King and the Commons were entirely reversed. In the last Parliament the King, through the willing instrumentality of Seymour, was able to stifle discussion by commanding the adjournment of the Commons. Seymour in the new Parliament, more by accident than by design, perhaps, stood for the Commons against the King's control of the choice of Speaker.

The Member invited to the Chair by the Commons had still to make his calling and election sure by the seal of the Sovereign's approval. Inasmuch as he was always really the nominee of the Crown,—indeed it is not too much to say the mere puppet of the King,—he had the perfect assurance of his appointment being thus royally confirmed. But a sensational departure from this ancient usage has now to be recorded. For the first time in the history of the Speakership—and the last—the selection of the Commons for the Chair, in the person of Seymour, was denied the Sovereign's approbation. Not the slightest reference to this strange episode is to be found in the *Journals of the House of Commons*. There are several significant rows of asterisks, \* \* \* \* \*, indicating blanks, but that is all. The record of the doings of the House is resumed again only on March 18, when the contest between the Commons and King over the nomination to the Chair was at an end.

On the motion of Colonel Birch,—not a courtier or Minister, but a private Member, be it noted,—“The Right Honourable Edward Seymour, knight of the shire for the county of Devon, Treasurer of the Navy, one of His Majesty's most honourable Privy Council, and Speaker of

the last Parliament," was unanimously called to the Chair, and was conducted thereto by two private Members, Sir Thomas Lee and Mr. Hampden. "He hung back and acted his unwillingness very well," says Anchitell Grey, in the same contemporary account of the election. Seymour, at this time, was in disfavour at the Court. What he had done to cause the King's displeasure is not clear. That it was something unconnected with his conduct in the Chair is certain, for to him as Speaker the King's will was of higher import than the wish of the Commons. Some of the gossips of the period say there was a lady in the case, no less a personage, indeed, than the wife of the powerful Danby, the Lord Treasurer. Thus he fell—the proud and haughty Speaker—in the favour of the King, not because of his zeal for the privileges of the Commons, but because of some sordid Court intrigue.

But Seymour was still as proud and arrogant as ever. Learning that the King had decided not to confirm his re-election to the Chair, he determined to try to circumvent His Majesty. At least he would purposely avoid making the traditional excuses of his unfitness for the post, so as not to give the King the opportunity of taking advantage of them. His speech on being presented to the King at the Bar of the House of Lords on March 7, 1679,—the day after his nomination by the Commons,—is the shortest and most audacious that ever was made by a Speaker on the like occasion.

"May it please Your Majesty," said he, "the knights, citizens, and burgesses in Parliament assembled, in obedience to Your Majesty's command, have made choice of a Speaker, and have unanimously chosen me; and now I come hither for Your Majesty's approbation which, if Your Majesty please to grant, I shall do them and you the best service I can."

Charles, however, was not to be outwitted. He had been cheated out of the joke, so characteristic of his vein of humour and whimsicality, which he had arranged. If Seymour had said, in the traditional way, "I am weak, Your

Majesty; relieve me of this burden and responsibility," he would have replied, "With pleasure." But his resources were not exhausted. He would effect his purpose sternly, if not in a humorous way. A few whispered words passed between him and the Lord Chancellor Heneage Finch, and then the latter spoke out. "It is an essential prerogative of the King," said he, "to refuse as well as approve of a Speaker." His Majesty had no reason to dislike Mr. Seymour, having had long experience of his ability and service. "But," he went on, "the King is the best judge of men and things. He knows when and where to employ. He thinks fit to reserve you for other service, and to ease you of this. It is His Majesty's pleasure to discharge this choice; and, accordingly, by His Majesty's command, I do discharge you of this place you are chosen for; and in His Majesty's name command the House of Commons to make another choice, and command them to attend here to-morrow at eleven o'clock."<sup>1</sup>

The Commons went back to their Chamber in a mood of bitter resentment against this further attack by the King on the independence of the Speaker. The Chair was vacant. It would seem, indeed, as if Seymour did not return to the House at all. He was probably in doubt as to his proper place, whether it was in the Chair as Speaker or on the benches as a private Member, and he elected to stay away.<sup>2</sup> But though the Chair was unoccupied an angry debate took place, and the questions which were moved were put by the Clerk.<sup>3</sup>

In a contemporary account of the scene it is stated that on the return of the Commons to their place, Sir John Ernly (or Ernley) rose and said "he had orders from His Majesty to recommend Sir Thomas Meres to be their Speaker," as being well adept in the practice of the House, and therefore acceptable and serviceable to them. "But the House in a great heat cried, 'No, no, no!' and fell into a

<sup>1</sup> *Parliamentary History*, vol. 4, pp. 1092-3.

<sup>2</sup> Hatsell, *Precedents*, vol. 2, pp. 222-3 (1818).

<sup>3</sup> *Grey's Debates*, vol. 6, p. 404.

warm debate."<sup>1</sup> The right of the King to exercise a veto on the election of the Speaker was hotly contested by the Country Party; and it was argued by the Law Officers of the Crown that if the consent of the Sovereign were necessary to confirm the choice of the Commons his refusal must necessarily render it inoperative. Ultimately the discussion was adjourned until the following day, when it was decided to send a deputation to the King, and at their request His Majesty was graciously pleased to allow further time for the consideration of the matter.

The Commons met again on March 11. A representation to the King was then agreed to. It stated that "it is the undoubted right of the Commons to have the free election of one of their Members to be their Speaker to perform the service of the House," and that "the Speaker so elected, and presented according to custom, hath by the constant practice of all former ages been continued Speaker, and executed that employment." But the King was unyielding. His answer was that the Commons must choose another Speaker. The next day the Commons drew up another address to the King, beseeching him for a gracious answer to their prayer. "Gentlemen," said Charles to the deputation, "I will give you my answer to-morrow." He went to the House of Lords on the morrow, March 13, and sending for the Commons prorogued Parliament for two days.<sup>2</sup>

The King opened Parliament in person on March 15. What happened in the interval is not clear. But an accommodation was arrived at between the King and Commons. The Lord Chancellor on behalf of the King directed the Commons to return to their House and choose a Speaker and submit him for His Majesty's approval. The Commons did as they were commanded. On the motion of Lord William Russell, William Gregory, serjeant-at-law, and Member for Weobley, Herefordshire, was appointed

<sup>1</sup> Chandler, *History of the House of Commons* (from the Restoration to 1742), vol. 1, p. 330.

<sup>2</sup> *Ibid.*, vol. 1, p. 334; *Grey's Debates*, vol. 6, pp. 403-39.



Speaker. "Then Lord Russel and Lord Cavendish took him by the arms and led him to the Chair, which he did not in the least resist." It is also briefly recorded that "on the 17th he was presented to the King, who without hesitation approved of the choice."<sup>1</sup>

## CHAPTER XLV

## THE FIRST WELSHMAN AS SPEAKER

TO whom was the victory? The compromise arranged was that in the new situation created by the prorogation a Member who was not the original nominee of the Commons, nor yet the nominee of the King, should be selected. Bishop Burnet in his *History* says the point was settled "that the right of electing was in the House, and that confirmation was a thing of course." That, surely, is a strange and unwarranted reading of the episode. Harley, who was Speaker in the reign of Queen Anne, and afterwards Earl of Oxford, used to say that all the Commons gained was "that the Speaker might be moved for by one who was not a Privy Councillor."<sup>2</sup>

Lord William Russell and Lord Cavendish, who proposed and seconded Gregory, were private Members as well as leading Independents or Whigs. The only echo of the former heat and tumult of the controversy heard at the election of Gregory was the voice of Sacheverell, protesting that in honour the Commons could not desert Seymour, and that this might be the setting of a bad precedent to their future undoing. Lord Cavendish—Gregory's second sponsor—then made a remark which explains the silence of the *Journals*. It had been agreed that the King's denial of the former Speaker they had chosen was not to be entered in the

<sup>1</sup> *Parliamentary History*, vol. 4, pp. 1112-3; *Grey's Debates*, vol. 6, pp. 1-4.

<sup>2</sup> Hatsell, *Precedents*, vol. 2, p. 222 (1818).

books. Therefore, no precedent was created. But, on the whole, it must be said that the victory was to the King. He had asserted the right of the Crown to a veto on the choice of a Speaker. All that was conceded to the Commons was that the Speaker might be proposed by one who was, as we should now say, a private or unofficial Member.

Did this concession establish the principle that the Crown should not dictate to the Commons whom they were to choose as Speaker? There is no means of knowing whether the Speaker in the next Parliament—the last but one of Charles II.—was nominated, as hitherto, by a Secretary of State or an official of the Royal Household. He probably was not, as he was a Member of the Country Party and had been prominent in the struggle against extension of the royal prerogative, but there is evidence to show that if the custom was suspended at this stage it was revived in subsequent reigns.

The new Parliament assembled on October 21, 1680. William Williams (son of the rector of Llantrisant who subsequently became canon of Bangor and prebendary of St. Asaph), the Recorder of Chester, which city he represented in the House of Commons, was chosen Speaker, the first Welshman to occupy the Chair. The *Journals* simply record that he was unanimously chosen and conducted to the Chair "by two Members of the House."<sup>1</sup> They were probably Members who were not of the Privy Council. Williams was too independent and fearless to have been a Court nominee. He told Seymour that by adjourning the House against its wishes he had gagged Parliament. In the debate on the King's refusal to confirm the reappointment of Seymour to the Chair he boldly advised the House not to nominate another Speaker. In his speeches to the Commons and the King on his election as Speaker there rings a new note of manliness and sincerity. They do not appear in the *Parliamentary History*, but an authorized version of them was published by Williams in self-defence. "Being

<sup>1</sup> *Commons Journals*, vol. 9, p. 636.

ill-used," he says in a prefatory note, "by false and mistaken representations in writing, published in coffee-houses and other places, of what I said in my place in the time of my Speakership in the last Parliament."

"Gentlemen," said he to the Commons, "it were vanity in me by arguments from weakness and unfitness to disable myself for your service in this Chair at this time. The unanimous voice of the House calling me to this place precludes me, and leaves me without excuse. Whom the Commons have elected for this trust is to be supposed worthy and fit for it; wherefore I must acquiesce in your commands." To the King he said: "I am set in the first station of your Commons, for trust and quality, an high and slippery place! It requires a steady head and a well-poised body in him that will stand firm there. Uprightness is the safe posture and best policy, and shall be mine in this place, guarded with this opinion—that Your Majesty's service in this trust is one and the same with the service of the Commons, and that they are no more to be divided than your crown and sceptre."<sup>1</sup>

It fell to Williams as Speaker to pronounce sentence of expulsion on two Members adjudged guilty by the House of Commons of breaches of its privileges, or of offending against the rights and liberties of the people. Francis Wythens, a lawyer who sat for Westminster, presented an address "from the grand inquest of the city of Westminster" to the King, expressing abhorrence of the petitions promoted by the Whigs for the calling of the Parliament. For this Wythens was knighted by the King. For this the Commons declared him unworthy to sit among them. He had to kneel at the Bar while the Speaker, with Celtic fervour and extreme Party spirit, railed at him for his offence. "You being a lawyer have offended against your own profession," exclaimed Williams. "You have offended against yourself, your own right, your own liberty as an Englishman. This is not only a crime against the living, but a crime against the unborn

<sup>1</sup> *The Speech of the Honourable William Williams, Esq., Speaker of House of Commons* (London, 1680).

You are dismembered from this body."<sup>1</sup> Sir Robert Peyton was also expelled. He had deserted from the Country Party, or Whigs, and opposed their Exclusion Bill for setting aside the hereditary right of the Duke of York to succeed to the Throne, on the ground that he was a Papist. "This Parliament," said the Speaker, addressing Peyton, as he knelt before him, "nauseates such Members as you are; you are no longer a part of this noble body."<sup>2</sup> After the Dissolution, Peyton sent Williams a challenge to a duel. Williams reported the affair to the Privy Council, and Peyton was committed to the Tower.

The Parliament was suddenly dissolved in January 1681. On the following March 21, the new Parliament—the last of Charles II.—assembled at Oxford, as the King was apprehensive of violence from the citizens of London. Williams was re-elected to the Chair. In a week the Parliament came to an end. No other Parliament was summoned during the remaining years of Charles II. He died on February 6, 1685.

## CHAPTER XLVI

### THE REVOLUTION

THE only Parliament of James II. met at Westminster on May 19, 1685. It was opened in person by the King. An important constitutional departure took place in the election of the Speaker. Hitherto the Speaker was not chosen until the causes for the summoning of Parliament had been stated by the Sovereign, or by the Lord Chancellor or Lord Keeper on his behalf, to both Houses assembled in the Chamber of the Lords. Henceforward the election of Speaker was to precede the King's Speech. Whether the change was made independently by the King, or at the suggestion of his advisers, it is impossible to say, and as to the reasons for it the annals of

<sup>1</sup> *Grey's Debates*, vol. 7, p. 391.

<sup>2</sup> *Ibid.*, vol. 8, p. 149.

Parliament are equally silent. When the Commons went up to the House of Lords in answer to the summons of Black Rod, the Lord Keeper, Baron Guildford, announced that the King would reserve his speech from the Throne until the Commons had chosen a Speaker and presented him for the royal approbation.

The man selected by the Commons is, perhaps, the most notorious occupant of the Chair in the long line of Speakers: Sir John Trevor, who, as Speaker in the first Parliament of William III., was expelled the House for bribery in 1695. On this occasion the choice of him was made on the recommendation of the Earl of Middleton, in the peerage of Scotland, "one of His Majesty's principle Secretaries of State," say the *Journals*, so that under James II., as under his predecessors, the Speaker continued to be practically the nominee of the Crown. "The House," according to the *Journals*, "unanimously chose the said Sir John Trevor for their Speaker. And he being not permitted to excuse himself, and being conducted to the Chair by the said Earl of Middleton, and the Honourable Henry Seville, Esquire, Vice-Chamberlain to His Majesty, two of the Members of the House, he humbly desired leave to disable himself at the Royal Throne."<sup>1</sup> The manner in which he disabled himself is also numbered among unrecorded things.

Trevor was a Welshman. He was born in 1637, the second son of John Trevor of Brynkmalt, Denbighshire, a judge on the North Wales Circuit, and was a cousin of the notorious Judge Jeffreys. He read law in the chambers of another cousin, Arthur Trevor, of the Inner Temple. "A gentleman that visited Mr. Arthur Trevor," says Roger North in his *Life of Judge Jeffreys*, "at his going out observed a strange-looking boy in his clerk's seat (for no person ever had a worse squint than he had), and asked who that youth was. 'A kinsman of mine,' said Arthur Trevor, 'that I have allowed to sit here to learn the knavish part of the law.'" Owing to this squint it was difficult for Members to catch the Speaker's eye. Occasionally two Members in different

<sup>1</sup> *Commons Journals*, vol. 9, p. 713.

parts of the Chamber were each equally confident that the wandering glance of the Speaker had alighted upon him, and the confusion that ensued was most embarrassing to all concerned. Trevor sat for the borough of Denbigh. While still Speaker he was appointed Master of the Rolls in October 1685.

The Parliament was overwhelmingly Tory; and, animated as it was by the violent Party spirit of the times, it did not feel called upon to protest against a prosecution which had been instituted against William Williams for an act done in the discharge of his duty as Speaker in 1680. During the agitation caused by the Exclusion Bill, Dangerfield—the rival of Titus Oates as a discoverer of bogus Popish plots—wrote the story known as *The Meal-Tub Plot*, containing false and odious imputations on the Duke of York; and Williams, as Speaker, by direction of the House, issued the necessary licence for its publication. In 1685 the story was declared by the Privy Council to be a seditious libel, for which Dangerfield was publicly whipped. Sir Robert Sawyer,—Speaker for a few weeks in 1678,—who was now Attorney-General, filed an information against Williams in the Court of King's Bench for having sanctioned the publication of the narrative. In vain Williams pleaded the privilege of Parliament. The House of Commons took no steps to protect the ex-Speaker. He was convicted and sentenced to a fine of £10,000, of which he paid £8000, the balance having been remitted by the King.

Three years pass, and William Williams, who, as Speaker in 1680, led the movement in the House of Commons for the exclusion of the Duke of York, is discovered as one of the most zealous supporters of James II. "He was converted by interest," says Macaulay in his *History*, "from a demagogue into a champion of prerogative." Sawyer was dismissed from the office of Attorney-General because of his scruples in supporting the royal prerogative claimed and exercised by the King, dispensing with the laws of the land. Williams was made Solicitor-General and knighted. In the State Trials of 1683, when Lord William Russell—

whom we have seen active on the side of the Commons in their struggle against Charles II. for the unrestricted right to nominate their Speaker—and Algernon Sidney were condemned to death for their alleged association with the Rye House Plot for the overthrow of the Government, the prosecution was led by Sawyer, and Williams was the fearless counsel for the defence. And when the Seven Bishops were prosecuted in 1688 for questioning the dispensing power, ex-Speaker Williams stood for the royal prerogative, and ex-Speaker Sawyer led the defence and obtained an acquittal.

Great historic events were thus happening. The only Parliament of James II. was dissolved on November 22, 1685. Within three years the Revolution was effected. James II. was deposed, and to the place of the last of the Stuart kings Parliament called William and Mary. In November 1688, James fled the kingdom. There was, in the circumstances, no constitutional authority to issue writs for the election of a new Parliament. But the Commons who had sat in the last Parliament of Charles II. were called together by the Prince of Orange, and they met on December 23, 1688, in St. Stephen's Chapel, and having elected Henry Powle to the Chair, presented, jointly with the Lords, an address to the Prince praying that he would take upon himself provisionally the administration of affairs. The Prince accordingly summoned a Convention of the Estates of the Realm, which assembled at Westminster on January 22, 1689. It was at first intended to elect Sir Edward Seymour to the Chair, but at the last moment he was set aside, it being rumoured that he was against the intention to declare the Throne vacant, and Henry Powle, who was returned with Sir Christopher Wren for the borough of New Windsor, was the choice of the knights and burgesses. As King James had fled the country, and William of Orange had not yet been declared King, the Commons proceeded with the election of Speaker without the licence of the Crown and solely on their own authority.

Powle was proposed by the Earl of Wiltshire, Member

for Hampshire, and seconded by Sir Vere Fane, Member for Kent, and was by them conducted to the Chair. He made a brief disabling speech which is given in the *Journals*. "I know very well," said he, "that excuses from this place are looked upon only as formalities. But I am so sensible of my own defects, and so desirous that this House may not receive any prejudice by them, that I most earnestly entreat you that, amongst so many worthy and experienced Members as are met here to-day, you would make choice of one that is better able to perform the duty of this place." "But his excuse not being allowed," the *Journals* record, "the Mace was called for, and placed upon the Table."<sup>1</sup> The ceremony of presenting Powle for the royal approval was perforce also omitted, as in the case of Sir Harbottle Grimston, Speaker of the Convention Parliament of 1660, which brought back Charles II. from exile.

The first act of the Convention was to declare that James by his flight had abdicated the government, and that consequently the Throne was vacant. William and Mary were proclaimed King and Queen. The Convention was turned into a Parliament, and the King made a speech to both Houses with all the old ceremonial. The House of Commons declared that the judgment against ex-Speaker Williams in 1685, for licensing the publication of Dangerfield's narrative, was illegal and subversive of the freedom of Parliament.<sup>2</sup> Powle, as Speaker, presented to William and Mary for the Royal Assent, on December 16, 1689, the Bill of Rights. Sir William Williams assisted in drawing up that famous declaration curtailing the prerogative of the Crown and expanding the privileges of Parliament. Once more he was on the side of the Whigs.

The Convention Parliament having been dissolved in February 1690, a new Parliament was summoned to meet on the following March 20. The precedent set by James II. of postponing the Speech from the Throne until the election of the Speaker of the House of Commons was followed by William and Mary. On the opening day of

<sup>1</sup> *Commons Journals*, vol. 10, p. 9.

<sup>2</sup> *Ibid.*, vol. 10, p. 215.



the Parliament the Commons were summoned to the House of Lords, when Sir Robert Atkins, Chief Baron of the Exchequer Court and Speaker of the House of Lords, speaking for the King, "commanded the Commons to return to their House and choose their Speaker," and present him the next day to their Majesties. The practice of a Minister or Court official nominating the Speaker was continued after the Revolution. On the motion of Sir John Lowther, Vice-Chamberlain to the King, Sir John Trevor was again called to the Chair.<sup>1</sup> In this Parliament, Trevor sat for the borough of Beeralston, in Devonshire.

The House of Commons expelled ex-Speaker Sawyer for his conduct as Attorney-General in the prosecution of Sir Thomas Armstrong for complicity in the Rye House Plot. The decisive speech against him, in which he was charged with "wilful murder," was made by his great rival, ex-Speaker Williams.

## CHAPTER XLVII

### EXPULSION OF SIR JOHN TREVOR

THIS Parliament lasted for more than eight years. For five of those years, Trevor presided over the deliberations of the Commons. Then he was discovered in an act of corruption. It was an age noted for laxity of principle in pecuniary transactions. There was no direct embezzlement of public funds. But there was a great deal of jobbery, and jobbery, too, of a rather mean character. No one, apparently, was too high in office, or too proud personally, to be unwilling to pocket illicit gain for low services rendered by reason of his position.

The Bill which Trevor was bribed to pass had no venal purpose in view. On the contrary, it redressed a flagrant injustice. For years the Corporation of the City of London

<sup>1</sup> *Commons Journals*, vol. 10, p. 347.

had been vainly promoting a Bill for sanctioning the payment to certain orphans of their portions which they had been deprived of in the confusion of the Revolution, and, hopeless of getting it passed in the ordinary way, they enlisted the Speaker's interest in it by giving him a substantial gratuity. Whispers of the transaction got abroad. In order to ascertain the truth, and vindicate its honour, the House of Commons appointed a Committee to hold a searching inquiry. The books of the City Chamberlain were examined, and in them an official record of Trevor's shame was discovered. First there was the following resolution passed by the Committee of the City Corporation which had the matter in hand: "That Mr. Chamberlain do pay to the Hon. Sir John Trevor, Knight, Speaker of the House of Commons, the sum of 1000 guineas, as soon as a Bill be passed into an Act of Parliament for satisfying the debts of the orphans and other creditors of the said City"; and, secondly, upon the back of this order was the endorsement that "the within 1000 guineas were delivered and paid unto the Hon. Sir John Trevor, this 22nd June 1694, in the presence of Sir Robert Clayton and Sir James Houblon, which at 22s. exchange comes to £1100."

The Committee of the House of Commons reported the circumstance to the House, and recommended the adoption of the following resolution: "That Sir John Trevor, Speaker of the House, receiving a gratuity of 1000 guineas from the City of London, after passing of the Orphans' Bill, was guilty of a high crime and misdemeanour." The report was brought before the House on March 12, 1695. It is set out at length in the *Journals* under that date. Trevor was in the Chair. For six hours his action was debated by the House. Of what he said in his own defence, or what his friends may have pleaded in mitigation, there is no record in the *Journals*. Only the discussion was prolonged into the dusk of the evening, as the following entry shows: "Ordered, that candles be brought in. And they were so."<sup>1</sup> The shadow of the ill-lit Chamber must have been welcome to

<sup>1</sup> *Commons Journals*, vol. 11, p. 271.



SIR JOHN TREVOR

FROM AN ENGRAVING AFTER THE DRAWING BY T. ALLEN



Trevor in his pitiable position, especially when he rose from his high place in the Speaker's Chair to put to the House the pronouncement of his personal ignominy. "As many as are of that opinion say 'Aye.'" There followed a loud shout affirmative of his shame. "The contrary, 'No.'" Only a few voices were raised on his behalf. Then Trevor was forced to declare, "The 'Ayes' have it." Did he feel the ground crumbling under his feet, and see the opening of a chasm which was to engulf him in ruin and disgrace?

On the following day the House assembled again. But Trevor did not appear. The Clerk read the following letter from him:—

"GENTLEMEN,—I did intend to have waited on you this morning; but, after I was up, I was taken suddenly ill with a violent cholick. I hope to be in a condition of attending you to-morrow morning. In the meantime, I desire you will be pleased to excuse my attendance.

"I am with all duty, gentlemen, your most obedient humble servant,  
J. TREVOR, *Speaker*"

The House accordingly adjourned until ten o'clock the next morning. Then another letter was received from Trevor reiterating his plea of illness, and once more humbly praying to be excused from attendance.

Immediately after Trevor's letter had been read by the Clerk, Mr. Wharton, Comptroller of the Household, rose and said he was commanded by the King to inform the House that Trevor had written to His Majesty saying that as his indisposition continued he could not further attend the service of the House, and accordingly His Majesty gave leave to the House to proceed to the election of a new Speaker. The Minister then proceeded to say: "I shall, without fear of displeasing any person out of so many who are qualified to serve you, nominate——"

"Upon this," it is written in the *Journals*, with an unwonted descriptive touch, "he was interrupted by a great noise in the House crying, 'No, no, no!' Exceptions were taken by several Members that it was contrary to the

undoubted right of the House of choosing their own Speaker, to have any person who brought a message from the King to nominate one of them."

Thus arose a novel and important stage in the movement for placing the Chair on a basis of complete independence of the Crown. As we have seen, the Speaker had, as a rule, been nominated by a Court official or Minister, and there can be little doubt that in almost every case the choice was previously approved of, if not actually inspired by, the Sovereign. But though the Commons were yet unable to prevent these private arrangements at Court between the Crown and the Ministers, they were determined not to tolerate any proceeding in the House which was inconsistent with the theory, at least, that the Speaker was their own free and independent selection.

Despite those protests, however, Wharton proposed Sir Thomas Littleton, and he was seconded by Sir Henry Goodrick. A second candidate was then nominated by the independent Members. This was Paul Foley, the representative of the city of Hereford, who, though a Tory, had been a supporter of the Revolution. He was proposed by Sir Christopher Musgrave and seconded by Lord Digby.

For the first time there is now obtainable from the *Journals* a clear and detailed account of the mode of election to the Chair, which is the more interesting and valuable as there were two candidates before the House. The questions were put by the Clerk. The first was, "That Sir Thomas Littleton take the Chair of this House as Speaker," which was challenged to a division and rejected by 179 votes to 146. "Then the second question being about to be put," the *Journals* say, "Mr. Foley stood up to speak, but the House would not hear him, but ordered the Clerk to put the question, 'That Paul Foley, Esquire, take the Chair of this House as Speaker.' It was resolved, *nomine contradicente*." Foley was then conducted to the Chair by Colonel Granvill and Henry Boyle, protesting, all the way, that he was unsuited for the post. "And upon the first step of the Chair," the quaint official record goes on,

“after some pause he made a speech to the House again to excuse himself. Which not being allowed, he sat down. And the Mace was laid upon the Table.”<sup>1</sup>

Foley was presented to the King at the Bar of the House of Lords on the following day, when his election received the royal approbation. As he was appointed to fill a vacancy in the Chair occurring during the progress of a Parliament, the precedent set by Richard Onslow in 1566 of not renewing, in like circumstances, the petitions on behalf of the Commons for liberty of speech and freedom from arrest was followed. Foley himself seems to have been doubtful at first as to the course he should pursue. On taking the Chair after his election he desired the advice of the House as to whether he should make these petitions to the King. The House cried “No, No!” Some Members said that these petitions were demands of right which ought to be made but once at the beginning of a Parliament, and cited precedents in support of their views. Accordingly Foley only asked the King to pardon any faults or mistakes into which he might ignorantly fall.<sup>2</sup>

Foley was the second son of Thomas Foley of Whitby Court, Worcestershire, who amassed a large fortune in the iron industry at Stourbridge, which was founded by his father. This is the nearest connection of trade with the Speakership which so far has occurred. Foley himself was a country gentleman living on a large estate at Stoke Edith, Herefordshire. He was bred to the law, but did not practise.

As for Trevor, he was expelled the House on March 16 the day after the confirmation of Foley’s appointment to the Chair. The resolution runs :—

“Resolved—That Sir John Trevor, late Speaker of this House, being guilty of a high crime and misdemeanour by receiving a gratuity of a thousand guineas from the City of London, after passing the Orphans’ Bill, be expelled this House.”<sup>3</sup>

<sup>1</sup> *Commons Journals*, vol. 11, pp. 271-2.

<sup>2</sup> *Ibid.*, vol. 11, p. 272.

<sup>3</sup> *Ibid.*, vol. 11, p. 274.

But if Trevor was disgraced he was by no means ruined. He was not even deprived of the Mastership of the Rolls, which he had held in conjunction with the Speakership. Indeed, he continued to sit on the Bench for twenty years afterwards, in fact till his death in 1717, and he established a high reputation for ability and uprightness as a judge. He was only venal as Speaker of the House of Commons. Perhaps it would be more correct to say that in disposition he was covetous and mean, and in his day, apparently, these qualities were not regarded as disreputable.

## CHAPTER XLVIII

### ROBERT HARLEY AS SPEAKER

A NEW Parliament assembled on November 22, 1695. Queen Mary having died in December 1694, this was the first Parliament of William III. Paul Foley's re-election to the Chair was proposed by a Minister, Mr. Secretary Trumball, seconded by the Earl of Ranelagh, and agreed to unanimously. This time he made the usual petitions to the King on behalf of the Commons. "His Majesty," said Lord Keeper Somers, "did most willingly grant to them all their privileges in as full a manner as they were ever granted by any of his Royal predecessors."<sup>1</sup> These are the words by which the privileges of the Commons have since been confirmed by the Sovereign at the opening of every Parliament. If they were not used for the first time by the Lord Keeper of William III. in 1695, they were certainly recorded then for the first time in the *Journals*.

Sir Thomas Littleton, who was defeated by Foley in 1695, had his ambition satisfied by his appointment to the Chair in the second Parliament of William III. The younger son of Sir Thomas Littleton, Baronet, of Stoke St. Milborough, Shropshire, he was designed for trade and ap-

<sup>1</sup> *Commons Journals*, vol. 11, p. 335.



prenticed to a London merchant, but by the death of his elder brother he became heir to the title and estates, and quitting his stool in the City office went to Oxford University. He succeeded to the baronetcy in 1681. Bishop Burnet, who knew him personally, says he was the first Speaker that had not been brought up to the legal profession. This, of course, is a mistake. There were already several Speakers who were not lawyers. And, indeed, Littleton himself entered the Middle Temple in 1671, though it is probable he was never called to the Bar. He sat in the House of Commons for the borough of Woodstock, Oxford, and was a Whig and a favourite of the King.

The new Parliament met on December 6, 1698. Littleton was proposed by the Marquis of Hartington. No other candidate was nominated, but there was a long debate, and when the question was put by the Clerk a division was challenged. Littleton, however, was elected by a majority of 107, or by 242 votes to 135. A pamphlet entitled *Considerations upon the Choice of a Speaker*, which was circulated before the meeting of the Parliament, throws some light on the opposition to Littleton. It indicates that Sir Edward Seymour was again ambitious of presiding over the House of Commons. To both candidates the pamphlet was very disrespectful. Littleton was described as "a known profligate in the service of the Court"; and Seymour as "a known profligate in the service of the people."<sup>1</sup>

Robert Harley, the distinguished Tory statesman, who subsequently became the first Earl of Oxford, was recommended by the pamphleteer for the Chair. He succeeded Littleton in the next Parliament. The eldest son of Colonel Sir Edward Harley, he was born in Bow Street, Covent Garden, in 1661, and studied for the Bar, but was never called. He sat in the House of Commons for the borough of New Radnor.

In his candidature for the Chair in the fifth Parliament of William III., on February 10, 1701, Harley's proposer was Sir Edward Seymour, and his seconder was Sir John

<sup>1</sup> *Parliamentary History*, vol. 5, p. 1190.

Leveson Gower. Littleton desired re-election, but withdrew at the request of the King, who wanted Harley to be Speaker. Harley, nevertheless, was not appointed unanimously. Sir Richard Onslow, a Whig, was also in the running, although according to the *Journals* he was not actually proposed. At any rate, there was a division on the question that Harley do take the Chair as Speaker, and it was carried by 249 votes to 129, or the substantial majority of 120. Even that able and eminent statesman and great orator went through the form of disabling himself, and appealed to the country squires and the city traders to select from among themselves one more fit to preside at their deliberations. "Which the voice of the House being against, he sat down in the Chair,"—so it is written in the *Journals*,—"and the Mace which before had lain under the Table was laid upon the Table."<sup>1</sup>

Another new Parliament assembled on December 30 of the same year, 1701. It was the last of William III. The King now desired that Sir Thomas Littleton should again be Speaker. He was proposed by Lord Spencer and seconded by John Smith. The re-election of Harley was moved by the Earl of Disert, and seconded by Henry St. John. "After some debate upon both the persons proposed, the Members who spoke therein addressing themselves to the Clerk at the Table, the Clerk proposed the question that Sir Thomas Littleton, Baronet, do take the Chair," for which there voted 212 for and 216 against,—a very close issue,—and "so it passed in the negative," the *Journals* go on to say.<sup>2</sup> Harley was then unanimously accepted. Next day the Commons were summoned by Black Rod to bring their choice to the Bar of the House of Lords for the royal approbation. "And accordingly," as the *Journals* relate, "Mr. Speaker-elect, with the House, went up to attend His Majesty, and to present their Speaker. Who spoke thus, namely—" There follows just four asterisks—

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A tantalizing omission, truly. For it would be interesting

<sup>1</sup> *Commons Journals*, vol. 13, p. 325.

<sup>2</sup> *Ibid.*, vol. 13, p. 645.

to read what so famous a Tory and High Churchman said in laudation of William III. and to his own disparagement.

The adulation of the Sovereign by the Speaker at the Bar of the House of Lords did not quite go out of fashion with the Stuarts. Littleton, when William III. refused to set him aside, said he should endeavour to discharge his duty in the Chair in the best manner of which he was capable, and added, with something of the old courtly pursuit of novel compliments: "As Your Majesty has, to the wonder of mankind, acted impossibilities, you may command others to do the like." But absurd rhapsodies and figures of speech were done with. No more did the Speaker, thrilling with ecstatic loyalty, lyrically endow the Sovereign with unparalleled and impossible mental and physical qualities. The struggle between the Crown and the Parliament was over, and with the defeat of the Crown the Speakers seem to have dropped the awesomeness and abject reverence of their predecessors in the presence of the Sovereign, or else their marvellous skill in the spinning of phrases of loyalty, exaggerated and unreal, become a lost art.

## CHAPTER XLIX

### THE MACE

THE Speakership now entered upon a new phase. With the rise of the Party system at the Revolution it became a partisan office. Throughout the eighteenth century and half-way through the nineteenth it was part of the spoils of office which Whigs and Tories alike legitimately took possession of on succeeding each other in power. No more had the Speaker, as the King's agent, to keep a careful watch over the proceedings of the Commons, and, if possible, influence their decisions in the royal interest. But he ceased to be the nominee of the King only to become the nominee of Party. He was expected, as he sat in the Chair,

to see to the welfare of the Party to whom he owed his position.

In the first Parliament of Queen Anne which met on October 20, 1702, Robert Harley was for the third time elected to the Speakership. Not only was he sworn a Member of the Privy Council in April 1704, but in the following May he was appointed a Secretary of State. The Act under which seats of Members accepting offices of profit under the Crown are vacated had not yet been passed.<sup>1</sup> Still the curious circumstance that the Speaker could also be a Minister shows how little, after all, the idea of placing the Chair in a position of independence both of the Government and the Crown had found acceptance as late as the beginning of the eighteenth century. Until the Dissolution of the Parliament in April 1705, or for eleven months, Harley continued to act as Secretary of State and Speaker.

Evelyn notes in his *Diary*, referring to the second Parliament of Queen Anne, that "one Mr. Smith" was chosen Speaker. The "one Mr. Smith" was the Right Hon. John Smith, who had held the offices of Commissioner of the Treasury and Chancellor of the Exchequer in the reign of William III. He sat for the borough of Andover, in Hampshire, a county in which he possessed an estate. Though he had been a student at the Middle Temple he was not called to the Bar.

When the Parliament met on October 25, 1705, there was an exciting contest between Whigs and Tories for the possession of the Chair. John Smith was the candidate of the Whigs, and the Tory nominee was William Bromley, Member for Oxford University. After an angry debate which lasted an hour and a half, the House divided, and the Whig was elected by a majority of 43, the numbers being 248 for Smith, and 205 for Bromley. Smith was one of

<sup>1</sup> This is the Act for the Security of the Crown and Succession (6 Anne, c. 41), which contains clauses incapacitating from sitting in the House the holders of any new office created after October 25, 1705, and obliging Members to vacate their seats on accepting any of the existing offices, though they are eligible for re-election.

the Commissioners for arranging the Union between England and Scotland, and when a new Parliament assembled, with the addition of the Scottish representatives, on October 23, 1707, he had the distinction of being appointed the first Speaker of the Commons of Great Britain.

On this occasion a curious question arose as to the particular moment in the election of Speaker at which the Mace should be produced. It lay, as usual, out of sight under the Table while Smith was being nominated, and when he took the Chair it was placed upon the Table by the Serjeant-at-Arms, which was also in accordance with custom. Some Members, however, took exception to its appearance at that stage. They contended that the Mace ought not to be placed upon the Table until the selection of the Speaker had been approved by the Sovereign. Several precedents to the contrary were quoted from the *Journals*. "Whereupon," it is recorded, "the Mace remained upon the Table."<sup>1</sup>

The Speaker in the next Parliament, which met on November 16, 1708, was a member of a family noted for its associations with the Chair. This was Sir Richard Onslow, a direct descendant of Richard Onslow who was Speaker in the eighth Parliament of Queen Elizabeth. He sat for Surrey, and was a Whig. He was proposed by Lord William Powlett, seconded by Sir William Strickland, and Colonel Harry Mordant is described in the *Journals* as "thirring the motion." But in the *Parliamentary History* it is stated that Mordant "by way of irony" proposed Mr. Joddrel, the Clerk, who, he said, "having been assistant to good Speakers, to indifferent ones, and to the worst," was as well qualified for the post as anybody, though he concluded by supporting Onslow, and Onslow was unanimously adopted.

The *Journals* are careful to mention that after Onslow had been conducted to the Chair, "the Serjeant-at-Arms came up and laid the Mace upon the Table." Onslow had an extraordinary encounter with Black Rod—the messenger

<sup>1</sup> *Commons Journals*, vol. 15, p. 393.

of the Lords—in which he vindicated the respect due to the Mace as the symbol of the Speaker's authority and power. Dr. Henry Sacheverell, the political preacher, was impeached by the Whig House of Commons for reflections upon "the late happy Revolution and the Protestant succession," and a majority of the Lords having found him guilty, the Speaker and the Commons proceeded to the Upper House to demand judgment against the prisoner. It has already been explained that the Commons are not permitted to affright the Lords with the sight of the Mace when they appear in the Upper House in answer to a summons. The only time the Speaker can enter the House of Lords with the Mace is on the extremely rare occurrence of an impeachment, when he goes to demand the arraignment of the person charged, and again, in the event of conviction, to ask for judgment against the prisoner.

It may have been that the Deputy Gentleman Usher of the Black Rod was ignorant of this usage when, on March 23, 1709, the Commons, eager for the punishment of Sacheverell, appeared at the door of the House of Lords. At any rate, he stopped the Serjeant-at-Arms—as that functionary was bringing the Mace into the Chamber—by placing his wand of office across the door. "If you do not take away the black rod," said the Speaker sternly, "I will return to the House of Commons." Black Rod apparently was frightened by the threat, for he desired the Speaker to stay a while and he would acquaint the Lords of his presence. He took the precaution, however, of locking the door against the Speaker, the Commons, and the Mace.

After a little time the door was opened, and the Serjeant-at-Arms was permitted to enter with the Mace. But Black Rod was still unaccountably obstreperous. At the Bar he attempted to put himself between the Speaker and the Mace. "My Lords," cried Onslow, "if you do not immediately order your Black Rod to go away, I will immediately return to the House of Commons." Again the threat was effective. Black Rod was directed to "go from thence" by the Lord Chancellor. Sacheverell was then brought in, and Black

Rod placed him to the right hand of the Speaker and the Mace. "My Lords," said Onslow, "the Black Rod ought to be with the prisoner on the left hand of me." The Lord Chancellor thereupon not only directed Black Rod to go with the prisoner on the left hand of the Speaker, but to stand some distance away. Sacheverell then went humbly down on his knees for sentence. He was suspended from preaching for three years, and the obnoxious sermons were ordered to be publicly burned by the common hangman.

On the return of the Commons to their Chamber the Speaker told the whole story, and as a precedent for all time it was entered upon the *Journals*.<sup>1</sup> Sir Richard Onslow was appropriately known as "Stiff Dick."

The next Speaker was the Right Hon. William Bromley, a country gentleman, descended from an old Staffordshire family, who represented the University of Oxford, and was proposed in opposition to John Smith in 1705. In the General Election of 1710, the Whigs, utterly discredited by the prosecution of Sacheverell, were overwhelmed at the polls,—even Sir Richard Onslow lost his seat for Surrey,—and at the meeting of the new Parliament, on November 25, 1710, Bromley, a Tory and High Churchman, was elected to the Chair without opposition. Upon the death of his son, March 20, 1711, the House showed its esteem for him and its sympathy by adjourning for six days "to give him time both to perform the funeral rites and indulge his just affliction."<sup>2</sup> Bromley subsequently became a Secretary of State.

<sup>1</sup> *Commons Journals*, vol. 16, p. 382.

<sup>2</sup> *Parliamentary History*, vol. 6, p. 1012. The *Journals* show that the House adjourned from March 20th to the 26th, but there is no entry as to the reason.

## CHAPTER L

## RICHARD STEELE AND THE SPEAKERSHIP

THE last Parliament of Queen Anne met on February 14, 1714. The Speaker chosen was Sir Thomas Hanmer, a baronet of Welsh descent, who represented Suffolk as a Tory. From his place on the benches Hanmer made the required mock-modesty plea of his unfitness for the office. "No, No!" shouted the Members. Then he was conducted to the Chair, and standing on the steps made the expected second appeal to the House in its own interest to reconsider their decision. "It was not too late for gentlemen to alter their resolution," said he, "and he begged leave to repeat his first excuses, and to assure them that no one ever came as near the Chair who was so little qualified to do the duty of it, and therefore he hoped they would consult their honour by turning their thoughts to a better choice." "But," continues the contemporary report, "the House cried 'No, No!' whereupon he took the Chair, and said that though the House would not allow of his excuse, he hoped they would be pleased to permit him to intercede with Her Majesty to command them to proceed to another election. The members cried 'No, No!' and then the Mace was laid on the table."<sup>1</sup>

Some fresh information with respect to the election of a Speaker is supplied by Richard Steele, the essayist, dramatist, and politician, who was returned to this Parliament. He spoke in support of Hanmer's qualifications for the Chair. "I rise," said Steele, "to do him honour and distinguish myself by giving him my vote." Mocking exclamations of "Do him honour!" interrupted Steele. The House was Tory, and Steele, a mere Whig scribbler, was looked upon as an adventurer and interloper by the country squires. A few weeks later he was expelled the House for having published a false and malicious libel abusing the Ministry in *The Crisis*. Steele brought out a little pamphlet in his own

<sup>1</sup> *Parliamentary History*, vol. 6, p. 1254.



defence. He explains that the phrase did not at all imply "that 'tis an honour to him that 'tis I who do him that respect," and insists there is nothing absurd in it. Then he goes on to give a curious and unexpected explanation of the interruptions. He attributes them to "a parcel of rustics who crowded in with the Members before the election of the Speaker, from a received error that there is no authority in the House till he is chosen,"—the first reference to the presence of "strangers" in St. Stephens,—and adds that as he came out of the Chamber he could hear them saying to one another, "Oh, it is not so easy a thing to speak in the House"; "He fancies because he can scribble."<sup>1</sup>

Hanmer was not two months in the Chair when he reported to the House an attempt to bribe him. On March 12, 1714, he stated that on the day before he received a letter containing "a scandalous offer of a sum of money" if he would get passed an Act of Parliament, carrying out the prayer of a petition which was enclosed. The amount tendered and the object in view were not stated. But it is improbable that either the bribe was tempting or the intention nefarious, for the culprit turned out to be a poor Irishman named John Quin, who fancied himself to be labouring under some grievance or another. On being brought to the Bar he pleaded that he had offended inadvertently and through ignorance, being a stranger unacquainted with the methods of properly approaching Parliament. He was ordered to go on his knees while the Speaker—again donning his garb of righteousness—severely censured him, after which he was discharged on paying the fees due to the Serjeant-at-Arms for arresting him.<sup>2</sup>

Hanmer's tenure of office was less than twelve months. The Parliament was dissolved shortly after the death of Queen Anne on August 1, 1714, when the ex-Speaker retired into private life to occupy himself with the editing of a famous edition of Shakespeare, known as the "Oxford."

The Elector of Hanover was proclaimed King as

<sup>1</sup> *Mr. Steele's Apology*, 25-6 (1714).

<sup>2</sup> *Parliamentary History*, vol. 6, pp. 1328, 1329.

George I. He opened his first Parliament in person, and on March 18, 1715, the Speaker selected by the Commons, the Hon. Spencer Compton (third son of the third Earl of Northampton), a Whig who sat for Sussex, was presented to him for approval. His Majesty knew no English, and had been but a few weeks in England. Yet Compton addressed him with something of the ancient outward show of ceremonious subserviency, and appealed to his personal knowledge of "the faithful Commons" for proof of the unworthiness of the selection they had so unaccountably and so rashly made for the Chair. "It must be very surprising to Your Majesty," said Compton in English to the uncomprehending German on the Throne, "that from amongst so many honourable, learned, and worthy persons who are every way qualified to discharge this great trust, anything could induce your Commons to present me for Your Majesty's approbation, who have none of those endowments for the execution of this important charge. I have neither memory to retain, judgment to collect, nor skill to guide their debates, nor can I boast of anything that could entitle me to the favour of the Chair, but an unshaken fidelity to the Protestant succession."<sup>1</sup>

The King, of course, confirmed the appointment by the mouth of the Lord Chancellor. Compton, on returning to St. Stephens, told the Commons that the King had thus given proof "that he would never deny anything that can be asked of him by his faithful Commons, because it would be impossible for them ever to make a request that could be more reasonably refused," and the conceit was solemnly inscribed in the *Journals*.<sup>2</sup>

Compton filled the Chair for over twelve years, in two Parliaments and throughout the entire reign of George I. In 1722, or five years before he ceased to be Speaker, he was appointed to the lucrative office of Paymaster of the Navy, which for a long period was regarded as a perquisite of the Chair.

<sup>1</sup> *Parliamentary History*, vol. 7, pp. 38-42.

<sup>2</sup> *Commons Journals*, vol. 18, p. 17.

## CHAPTER LI

## ARTHUR ONSLOW AS SPEAKER

COMPTON'S successor, Arthur Onslow, was, so far, the greatest of the long line of Speakers. Men of brighter eminence had presided over the House of Commons, such as More, Coke, and Harley, but to them the Chair had been but the stepping-stone to higher spheres of political action in which they won their enduring renown, while the fame of Arthur Onslow rests entirely upon the greatness he achieved as Speaker. Born in October 1691, he was the nephew of the Speaker of Anne's third Parliament, and the great-great-great-grandson of the Speaker of the second Parliament of Elizabeth, thus being the third member of his family who had sat in the Chair. He was educated at Winchester and Wadham College, Oxford, and was called to the Bar at Middle Temple in 1713. Seven years later he entered the House of Commons as the Whig representative of the borough of Guildford, Surrey,—a county in which his family exercised considerable political influence,—and represented it for seven years. He took little part in debate. But he had always the ambition of being Speaker, and he states in an autobiographical memoir, which he wrote late in life, that accordingly from the first day he set his foot in the House of Commons he "was an early and most constant attendant to, and a most studious observer of, everything that passed there."<sup>1</sup>

At the General Election of 1727, for the first Parliament of George II., he was returned both for Guildford and Surrey, and elected to sit for the county. When the new Parliament met on January 23, 1728, he had his ambition realized by being unanimously appointed to the Chair, in his thirty-fourth year.

In his autobiographical memoir he states that he seldom took part in the discussions, being always diffident of his

<sup>1</sup> *Onslow MSS.*, Hist. MSS. Commission, 14th Report, App. IX. 504.

qualities as a debater. He endeavoured to found his character upon the rectitude of his actions in the House, and therefore often voted with either Party as he thought it in the right. "I loved independency, and pursued it," he adds. "I kept firm to my original Whig principles, upon conscience, and never deviated from them to serve any Party cause whatsoever. And all this, I hope and am persuaded, was what chiefly laid the foundations of my rise to the Chair of the House of Commons without any the least opposition, although Sir Robert Walpole sometimes said to me that the road to that station lay through the gates of St. James's."<sup>1</sup>

In truth, the King's influence in the choice of Speaker had ceased with the Stuarts to be all-powerful. Certainly there is no evidence to show that George I. or George II. cared to exercise any control over appointments to the Speakership. A new force had come into operation, and the passport to the Chair was rather the Party favour of the First Minister than the good graces of the King. Onslow had made known his desire to Sir Robert Walpole, whose notice he took care to cultivate, and had, in fact, been promised the Speakership by the First Minister.<sup>2</sup>

Nevertheless, the old but ever-amusing farce of the Speaker, overwhelmed with the sense of his utter unworthiness, being led unwillingly to the Chair, continued to be played. Onslow was proposed by the Marquis of Hartington and seconded by Sir William Strickland. He then stood up in his place and proclaimed his incapacity. It was a great honour that he should be thought by his proposer and seconder to be in any degree qualified for so high a station. "Their motion to the House, Sir, will be the glory of my life," said he, addressing the Clerk, "but to make it so it must stop here, lest my having the execution of this office should lose me the credit which their recommendation will otherwise give me." He was well content with the distinction of having been proposed for the Chair. Therefore, let

<sup>1</sup> *Onslow MSS.*, Hist. MSS. Commission, 14th Report, App. IX. 516.

<sup>2</sup> *Ibid.*, App. IX. 517, 518.

another be chosen who would be more to the credit and benefit of the House. But the House would not accept his excuses, so he was taken out of his place by his proposer and seconder, and brought to the Bar, whence he was led up to the Chair. Standing upon the first step he said: "I hope, before I go any farther, gentlemen will reconsider what they have done, and suffer me to return to my place, in order to the making choice of another person more fit for this." The Members with one voice cried, "No, no!" Then ascending to the upper step of the Chair, Onslow once more turned to the House, and asked that he might at least be given leave to submit his shortcomings to the King. But the House again cried "No, no!" and Onslow sat down in the Chair.

Still, when he was presented to the King at the Bar of the House of Lords, Onslow appealed to His Majesty to declare him unfit to be Speaker. "What, Sir," said he, after a recital of his inabilities, "above all renders me most improper for this high station, and creates the greatest dread on my mind, is my unfitness to approach your sacred person, and to represent your Commons as they ought ever to appear before the Majesty of their Sovereign." The Lord Chancellor, on behalf of George II., said that while the King approved of "the decent and modest manner" in which Onslow had excused himself, he was perfectly satisfied with the choice of the Commons.<sup>1</sup>

Thus Onslow began the longest tenure of the Chair in the history of the House of Commons. He was Speaker for more than thirty-three years, in the five Parliaments of the reign of George II., and on each of the subsequent occasions—January 14, 1735; December 1, 1741; November 10, 1747; and November 14, 1754—he had the unexampled distinction of being re-elected unopposed. By his conduct in the Chair he greatly enhanced the independence and dignity of the Speakership. John Hatsell, who sat at the Table as Clerk Assistant for some years under Onslow, says

<sup>1</sup> *Commons Journals*, vol. 21, pp. 19, 20; *Parliamentary History*, vol. 8, pp. 632-3.

he held "that the forms of proceedings, as instituted by our ancestors, operated as a check and a control on the action of Ministers, and that they were, in many instances, a shelter and a protection to the minority against the attempts of power."<sup>1</sup> This was the spirit by which Onslow's conduct in the Chair was always animated throughout his long career. He also insisted on proper deference being paid to him as Speaker. "Mr. Onslow," says Hatsell, "never permitted a Member to come in or go out of the House, whilst he was in the Chair, without calling to him if he observed that the Member did not make his obeisance to the Chair."<sup>2</sup>

## CHAPTER LII

### SPEAKER'S OFFICE OF PROFIT UNDER THE CROWN

IT was Onslow who severed what was perhaps the last remaining link which bound the Chair to the Throne in the subserviency of personal obligation. He resigned the Treasurership of the Navy in circumstances which made it impossible for this post of profit under the Crown ever again to be associated with the Chair. It would seem, however, that he was driven to take this step, not so much because he himself came to the conclusion that the holding of the office was incompatible with his independence as Speaker, as because he was taunted in the House with having been biased in a decision he gave by the sense of his indebtedness to the Crown for a handsome addition to his emoluments. He was appointed to the post in 1734. In 1742 he resigned it. The circumstances under which he did so are only disclosed by records of close on fifty years later. In moving that the Speaker's allowance be fixed at the clear yearly sum of £6000, in 1790, Mr. F. Montague stated that Onslow had to give his casting vote on a political question,

<sup>1</sup> Hatsell, *Precedents*, vol. 2, p. 237 (1818).

<sup>2</sup> *Ibid.*, vol. 2, p. 232.



ARTHUR ONSLOW

FROM AN ENGRAVING AFTER THE PAINTING BY H. HYSING





when "the place he held was thrown in his teeth" by those against whom his decision went, and, "being a high-spirited man," he resigned the post the very next day.<sup>1</sup>

Early in 1754, as the end of his fourth term of office as Speaker was approaching, Onslow thought it was time for him to retire. Henry Pelham, then First Minister, hearing of his intention, pressed him to serve as Speaker also in the forthcoming new Parliament. He agreed to reconsider his decision, and states he said to Pelham that if he were to be Speaker again he must not be expected to act otherwise than he had always done, which at times was not pleasing to Ministers. "Sir," said Pelham, "I shall as little like, as any one else in my station, to have a Speaker in a set opposition to me and the measures I carry on; but I shall as little like to have a Speaker over complaisant to me or to them."

"I thought it nobly said," Onslow adds, "and mention it to his honour, and that rather as he and I had often differed."<sup>2</sup> Onslow was so great a stickler for forms and rules that Horace Walpole says "it often made him troublesome in matters of higher moment," which means, no doubt, the convenience of Ministers and their measures. Walpole further states that Onslow, in his proneness to court popular favour, "affected an impartiality that by turns led him to the borders of insincerity and contradiction"; but he admits that his fidelity to his trust was unshakable.<sup>3</sup>

The new Parliament—the last of George II.—met on November 14, 1754. The re-election of Onslow was proposed by the Marquis of Granby and seconded by Thomas Pelham. At the three previous re-elections he followed the old custom of first entreating the Commons to select a worthier and more capable man, and then appealing to the King to refuse him the royal approbation. But on his fifth appointment he refrained from disabling himself. To the Commons he said that perhaps the length of time he

<sup>1</sup> *Parliamentary History*, vol. 28, p. 515.

<sup>2</sup> *Onslow MSS.*, Hist. MSS. Commission, 14th Report, App. ix. 517.

<sup>3</sup> Horace Walpole's *Memoirs of the Reign of George III.*, vol. 1, pp. 51-2.

had served in the Chair was a reason against his undertaking another term of office. "But, however, I will not dispute with the House in their commands," he added. "I am theirs to be disposed of as they think proper, and shall always deem it a duty to submit in everything my will to their direction." The next day he was presented to the Lord Commissioners in the absence of the King. "From what has passed in several former Parliaments with regard to myself," said he, "I did not presume to dispute the commands of the Commons upon this occasion. It is for the same reasons, and from the like principles of duty, I forbear to urge anything here against their present resolution, but resign myself entirely to His Majesty's pleasure, well knowing his own royal wisdom can best determine his own choice either to approve or disapprove what his Commons have now done."<sup>1</sup>

In 1761, Onslow resolved to retire from public life. On March 18, two days before the close of the last session of the Parliament, he announced his intention to the House. The thanks of the House was unanimously voted to him in the following terms:—

"That the thanks of this House be given to Mr. Speaker for his constant and unwearied attendance in the Chair during the course of above thirty-three years in five successive Parliaments; for his unshaken integrity and steady impartiality there; and for the indefatigable pains he has, with uncommon abilities, constantly taken to promote the real interest of his King and country, to maintain the honour and dignity of Parliament, and to preserve inviolable the rights and privileges of the Commons of Great Britain."

He delivered a farewell speech to the House which contained the following passages:—

"When I begun my duty here I set out with a resolution and promise to the House to be impartial in everything, and to show respect to everybody. The first I know I have done. It is the only merit I can assume. If I have failed in the other it was unwittingly, it was inadvertently, and I

<sup>1</sup> *Parliamentary History*, vol. 15, p. 322.

ask their pardon, most sincerely, to whomsoever it may have happened. I can truly say the giving satisfaction to all has been my constant aim, my study and my pride. And now, Sirs, I am to take my last leave of you. It is, I confess, with regret, because the being within those walls has ever been the chief pleasure of my life; but my advanced age and infirmities, and some other reasons, call for retirement and obscurity. There I shall spend the remainder of my days, and shall only have power to hope and to pray, and my hopes and prayers—my daily prayers—will be for the continuance of the Constitution in general, and that the freedom, the dignity, and authority of this House may be perpetual.”

The Commons, to mark their sense of the Speaker's farewell address, resolved unanimously to have it printed in the proceedings of the day. Another resolution was also unanimously agreed to beseeching the King that he would “graciously be pleased to confer some signal mark of his royal favour” upon Onslow.<sup>1</sup> Accordingly, by Letters Patent dated April 20, 1761, the King granted Onslow an annuity of £3000 for the lives of himself and his son, George Onslow; and His Majesty recommended that, as he had no power to continue the pension beyond the term of his own life, it should be effectually secured by Act of Parliament. The necessary statute was passed in the following year.<sup>2</sup>

This was the first pension that had been bestowed on a retiring Speaker. Another unusual distinction which fell to Onslow was that he was the first ex-Speaker to receive the freedom of the City of London in appreciation of his impartiality and judicious conduct in the Chair.<sup>3</sup> The ceremony took place on June 11, 1761, but Onslow declined, “on account of his official position,” to accept the gold box of the value of one hundred guineas in which the Common Council desired to present the certificate of his admission as a freeman.<sup>4</sup> Onslow died in 1768, aged 76.

<sup>1</sup> *Parliamentary History*, vol. 15, pp. 1013-15.

<sup>2</sup> 2 Geo. III. c. 33.

<sup>3</sup> *Annual Register* for 1761, p. 106.

<sup>4</sup> *London's Roll of Fame* (1884), p. 42.

## CHAPTER LIII

## A CHOLERIC SPEAKER

IN the first Parliament of George III., which met on November 3, 1761, Sir John Cust, a lawyer who sat for the borough of Grantham in Lincolnshire, was appointed Speaker. "Bating his nose, the Chair seems well filled," says Horace Walpole in a letter dated November 7 of the same year. Cust was re-elected on May 10, 1768, when the second Parliament of George III. assembled.

The angry discussions and protracted sittings of the House arising out of the turbulent political career of John Wilkes were too much for him physically. On January 17, 1770, he did not appear at St. Stephens. The Clerk reported to the House that the Speaker had sent for him to his bed-chamber about an hour before, and desired him to express to the Members his extreme sorrow that on account of his weak state of health he was unable to take the Chair. After an adjournment of five days the House met again, and was informed by Lord Barrington that, as Cust had sent word to the King that he was too ill to attend the service of the House, His Majesty gave leave to the Commons to proceed to the choice of another Speaker.<sup>1</sup> Two days later Cust died, in his fifty-second year.

The House immediately proceeded to elect a successor to Cust on January 22, 1770, the day his resignation was announced. There were two candidates for the Chair. Sir Fletcher Norton, a Tory, was proposed by Lord North and seconded by Richard Rigby. Lord John Cavendish proposed and Lord George Sackville seconded the Right Hon. Thomas Townshend, the younger, who was a Whig. Norton was elected by 237 votes to 121.<sup>2</sup> He represented Guildford in Surrey, and was an eminent lawyer, having been Attorney-General before his appointment as Speaker. During Norton's tenure of the Chair many momentous questions agitated the

<sup>1</sup> *Commons Journals*, vol. 32, p. 613.

<sup>2</sup> *Ibid.*, vol. 32, p. 613.

House of Commons, such as its powers to expel Wilkes for a political libel, to curtail the freedom of the Press, and to tax the American Colonies. His duties were therefore arduous and responsible, and to add to the difficulties of his position he had an ungovernable temper, which made him perhaps, the most choleric Speaker that had ever presided over the House of Commons. On February 16, 1770, his want of tact and discretion not only plunged the House into a violent wrangle, which lasted six hours, but led to the unique incident of a Speaker's words being taken down as disorderly. He was asked by Sir William Meredith to rule that a resolution in reference to John Wilkes should be submitted to the House in two parts, as it contained propositions so distinct that it was difficult for Members to assent to or dissent from the whole. Norton testily replied, that as "he was scarce warm in the Chair" he thought Meredith should have told him beforehand of his intention to ask for his ruling, so that he might come prepared. Meredith said the Speaker "had used him very ill" in thus censuring him, and held it was not necessary for a Member to give the Speaker notice of his motions. "In candour, I did expect he would have communicated his motion to me," said the Speaker hotly; "but I find I am not to expect candid treatment from that gentleman." This retort was received with cries of "Take down his words" from the supporters of Meredith.<sup>1</sup>

John Hatsell was Clerk of the House. He states in his work on *Precedents* that he was "put under very extraordinary difficulties" on this occasion. Holding that the Clerk is not justified in obeying any orders or directions but such as are signified to him by the Chair, he declined to take down the words, though several Members called upon him "to do his duty," until the Speaker gave his consent and directions.<sup>2</sup> The words complained of were, according to the report in the *Journals*, written by a Member and handed to the Clerk, and were as follows: "When I expected candid treatment

<sup>1</sup> *Parliamentary History*, vol. 16, pp. 808-9.

<sup>2</sup> Hatsell, *Precedents of the House of Commons*, vol. 2, p. 272.

from that Member I was mistaken, for I find I am not to expect candour from that gentleman in any motions he has to make to the Chair." The Speaker protested that these were not his exact words. "In candour I hoped he would have informed me of the motion he intended to make," said he, giving his version of his remark; "but now I find, from what the hon. Member has said, that I am not to expect that candid treatment from him, for he said in his speech—that from this time forward he will have no communication with the Chair."<sup>1</sup>

The House was "in an uproar," says the account in the *Parliamentary History*. Obviously the Speaker was in an irascible mood. If his words were to be taken down he was determined they should present Meredith in an unflattering light. However, he was induced by the angry discussion which followed to say that "he did not mean any general reflection on the character of the Member." Then Grenville was proceeding to express the hope that Meredith would accept this "apology" when the Speaker hotly interposed to repudiate the notion that he had any intention of apologizing. "What I said," he declared, "arose out of what I understood the Member to have said. If he disclaimed candour with the Chair, I had the right to say I was not to expect candour on that subject. I did not, in justice I ought not to have made a general reflection upon his character, but if the Member said what I understood he said I had a right to say what I did. I can make no apology for what I said, but will abide by the sense of the House."<sup>2</sup> This made matters worse than ever. Dowdeswell moved: "That the words of Mr. Speaker, from the Chair, are disorderly, importing an improper reflection on a Member of this House, and dangerous to the freedom of debate in this House," and the motion was seconded by Colonel Barré. The discussion lasted till ten o'clock. As it progressed there was shown a disposition to arrive at an amicable conclusion, and Meredith did not oppose it. Finally, the motion was put from the Chair, and as the *Journals* say, "It passed in the negative."

<sup>1</sup> *Commons Journals*, vol. 32, p. 708.

<sup>2</sup> *Ibid.*, vol. 32, p. 708.

In the next Parliament, which met on November 29, 1774, Norton was re-elected unanimously. An interesting point then arose in relation to the claim for the privileges of the Commons which is made by the Speaker at the Bar of the House of Lords. By an Act passed in the preceding Parliament<sup>1</sup> the servants of Members were deprived of the privilege of freedom from arrest which they had enjoyed as well as their masters, and it was the opinion of Norton that in the circumstances an alteration ought to be made in the terms of the Speaker's address to the Sovereign. He informed the House that he proposed to claim all the usual privileges, "except where the same had been altered or taken away by any Act of Parliament." But on consulting Lord Chancellor Apsley he was led to change his mind. In the view of the Lord Chancellor "it would be the safer way, in order to prevent any difficulties which might arise on any alteration, to adhere to the usual form," especially as neither the claim itself nor its allowance by the King could be supposed to include privileges not warranted by law.<sup>2</sup> Since then the Speaker has claimed privileges for men who by law are not entitled to them, and the claim has been allowed by the Lord Chancellor in the name of the King.

Before the Parliament came to an end the conduct of Norton as Speaker was again the subject of a violent discussion in the House. This time it was not a Member he flouted, but the King. On May 7, 1777, he went with the Commons to the House of Lords to present, according to ancient custom, a Money Bill for the Royal Assent. "The King," says the *Lords Journals*, "being seated on the Throne, adorned with his Crown and royal ornaments, and attended by his officers of State." The Bill was one "for the better support of His Majesty's household, and of the honour and dignity of the Crown of Great Britain," and in presenting it Norton said it afforded the fullest and clearest proof of the zeal and affection of the Commons. "For," he added, "they have not only granted to Your Majesty a large present supply, but also a very great additional revenue—great

<sup>1</sup> 10 Geo. III. c. 50.

<sup>2</sup> Hatsell, *Precedents*, vol. 2, pp. 227-8.

beyond example, great beyond Your Majesty's highest expense."

Thus is the passage rendered in the report of the speech supplied by Norton, and inscribed by order of the House, with an expression of its thanks on the *Journals*. But several Members who were with the Speaker at the Bar of the House of Lords, and took notes of his remarks, declared that the word "wants" and not "expense" was used, which made the speech still more insulting to the King. On May 9, Rigby brought the matter before the House, and made a violent attack on the Speaker. Norton did not explicitly deny that the word he used was "wants." He said he thought he had said "expense." Thurlow, the Attorney-General, who expressed the views of the Government, declared the speech conveyed the sentiments of the Speaker and not those of the House. The Opposition were on the side of Norton, and Charles James Fox, voicing their sentiments, moved that the Speaker had "expressed with just and proper energy the zeal of the House for the support of the honour and dignity of the Crown in circumstances of great public charge," which ultimately was agreed to, with a second expression of thanks to Norton for his speech.<sup>1</sup>

The speech excited as much commotion outside as inside the House. The Common Council of the Corporation of London, on May 14, passed a resolution directing that the speech be entered on the *Journals* of the Court, and deciding to present Norton with the certificate of freedom of the City in a gold box, of the value of fifty guineas, "for having declared in manly terms the real state of the Nation to His Majesty on the Throne." Like Arthur Onslow in 1761, Norton declined to accept the gold box.<sup>2</sup>

Norton availed himself of the right of the Speaker to take part in discussions in Committee for the purpose of supporting the Opposition. He was with them in their desire for conciliatory treatment of the American colonists. When the

<sup>1</sup> *Parliamentary History*, vol. 19, p. 227; *Commons Journals*, vol. 32, p. 485.

<sup>2</sup> *London's Roll of Fame*, p. 60 (1884).



House discussed in Committee Joseph Dunning's famous motion "that the influence of the Crown has increased, is increasing, and ought to be diminished," on April 6, 1780, he spoke in its support. He was, however, apologetic for his intervention. "His situation in the House," he remarked, "rendered it extremely irksome to him to rise upon the present occasion, as it might be thought that his situation carried with it some degree of influence, and that it was his duty to keep the scale even, and not to take any decided part respecting the contrariety of opinions which prevailed in the House."<sup>1</sup>

George III. determined that there should be a different Speaker in his fourth Parliament. Six days before it met he wrote to Lord North, the First Minister: "Mr. Cornwall is a very respectable person for the office of Speaker, and ought to be assured of the support of the Government on this occasion, and called on to attend the first meeting, and to take all the pains he can to show his willingness to accept that honourable office."<sup>2</sup> Accordingly, at the meeting of the new Parliament, October 31, 1780, Charles Wolfran Cornwall was proposed as the Ministerial nominee, by Lord George Germain, and seconded by Welbore Ellis. The excuse that was made for setting aside Norton was the indifferent state of his health. It was true that on two occasions during the previous session the progress of public business had been interrupted by his enforced absence from the House by illness. But his friends, at least, were of opinion that the fatigue of the Speakership was not too heavy a burden to be imposed upon him; and he was nominated by Joseph Dunning and seconded by Thomas Townshend.

Norton himself declared he would not take the Chair again on any consideration. He admitted that his constitution had been somewhat impaired by his prolonged sittings in the Chair; but he complained bitterly that he had not been asked by Ministers whether his health would enable him to continue to act as Speaker should he be chosen again by the House. "His appearance," says Sir Nathaniel Wraxall

<sup>1</sup> *Parliamentary History*, vol. 21, pp. 355-9.

<sup>2</sup> Donne, *Letters of George III. to Lord North*, vol. 2, p. 337.

in *Historical and Posthumous Memoirs*, "seemed, indeed, to present the aspect of a man who, though somewhat declined in years, did not manifest any tokens of decay." Cornwall was elected by a majority of 169,—203 votes to 134.<sup>1</sup>

On November 20, 1780, there was a motion to thank Norton for his services. Thomas Townshend, who moved in the matter, stated that he had drawn up a resolution expressing the gratitude of the House to Norton "for the great dignity, ability, and impartiality" he had displayed in the Chair, but its terms were objected to as being too warm, and in order to obtain unanimity for the vote he asked the House simply to record its thanks to Norton "for his conduct during the time he filled the Chair." But even this modified motion was opposed. One Member disclosed the cause of the animosity with which Norton was being pursued by declaring that "he had insulted his Sovereign." The Speaker, Cornwall, called him to order, pointing out "that it was the first, most important, and most sacred of all the orders of the House" never to make use of the name of the Sovereign with a view to influencing the freedom of debate. The resolution was carried by 136 votes to 96.<sup>2</sup> On February 1, 1781, Norton being in his place, the thanks of the House were coldly conveyed to him by Speaker Cornwall, and he made his acknowledgment in a few formal words.<sup>3</sup> In 1782, Norton was created Baron Grantley of Markenfield, Yorkshire.

## CHAPTER LIV

### CANDIDATES FOR THE CHAIR SUPPORT EACH OTHER

CORNWALL was born at Barrington, Herefordshire, in 1735. Though called to the Bar, he did not practise.

He had filled several Government offices, and had a pension of £1500 a year from one of them on his election

<sup>1</sup> *Parliamentary History*, vol. 21, p. 793.

<sup>2</sup> *Ibid.*, vol. 21, pp. 873-85.

<sup>3</sup> *Ibid.*, vol. 21, p. 1106.

to the Chair. He represented Winchelsea in the Parliament of 1780, and Rye, another of the Cinque Ports, in the subsequent Parliament of 1784, when he was again appointed Speaker. One of the objections urged by the Opposition to his first nomination was that he represented not a real constituency but a Cinque port.

During the sittings of the House he indulged in frequent drafts of porter. Foaming tankards of the liquor were brought to him in the course of the evening from Bellamy's, a refreshment house in Old Palace Yard where Lords and Commons got what they needed in the way of eating and drinking. Wraxall says the porter sometimes proved too powerful for the Speaker and "produced inconveniences," as he nicely puts it.<sup>1</sup> This amiable weakness in which Cornwall indulged to relieve the weariness of long sittings is also commemorated in one of the political satires of *The Rolliad*:—

" Like sad Prometheus fastened to the rock,  
In vain he looks for pity to the clock ;  
In vain the power of strengthening porter tries,  
And nods to Bellamy for fresh supplies."

To Cornwall belongs the melancholy distinction of being the one Speaker who died in harness. His end was short and rather sudden. On December 29, 1788, he was in the Chair, but evidently he was then ill, for the *Journals* state that the House was counted out, as the required quorum of forty was not present, an expedient which was frequently resorted to in the eighteenth century when the Speaker felt unwell. The next day he did not appear. The Clerk reported that he was laid up with a feverish cold, but hoped to be well enough to return in a day or two. On January 1, 1789, he was still indisposed. No business was transacted on either of these days. The entry in the *Journals* for January 2 runs: "The House being met, the Clerk at the Table acquainted the House that he was extremely sorry to inform them that Mr. Speaker died this morning ;

<sup>1</sup> Wraxall, *Historical and Posthumous Memoirs*, vol. 1, pp. 259-61 (1884 edition).

after which, and before any Member spoke, the Mace was brought into the House by the Serjeant and laid under the Table." It was then agreed to adjourn for three days.<sup>1</sup>

The House met on January 5, under very peculiar circumstances. George III. was mentally afflicted, and therefore the customary intimation of the King's leave to the Commons to chose a new Speaker was not forthcoming. The House, nevertheless, proceeded to elect a Speaker, solely on its own authority, as it had done before when there was no King in the troublous times of the Civil War and the Revolution. There were two candidates. The nominee of the Government, William Wyndham Grenville, was opposed by Sir Gilbert Eliot. A new feature was introduced in the disablement to which both candidates subjected themselves. Each declared the other was the better man. Grenville "trembled for his shortcomings and inability to discharge the duties of the office," and asked the Members "to turn their eyes to the honourable baronet over the way." Eliot thought that Grenville's knowledge and experience exactly fitted him for the post. As for himself, "he could not think of taking that Chair, to which he so well knew his own inadequacy to do justice"<sup>2</sup> The voting was 215 for Grenville and 144 for Eliot.

Owing to the King's illness the formality of submitting the Speaker-elect for the royal approbation had also to be dispensed with, and Grenville took his seat in the Chair and the House proceeded at once to business. Curiously enough, nothing is said by the *Journals* in explanation of the unusual, though not unprecedented, features of Grenville's election.<sup>3</sup>

Grenville, a member of a family distinguished in public life, was in his thirtieth year when he thus succeeded to the Chair. He was one of the representatives of Buckinghamshire. For five months only was he Speaker. On June 5,

<sup>1</sup> *Commons Journals*, vol. 44, p. 445.

<sup>2</sup> *Parliamentary History*, vol. 27, pp. 906-7.

<sup>3</sup> *Commons Journals*, vol. 44, p. 45. *Parliamentary History*, vol. 27, pp. 904-7.

1789, the Clerk read a letter from him intimating that the King had appointed him a Secretary of State, which rendered his seat in Parliament vacant.<sup>1</sup>

The House met again three days later. As the King was now mentally capable of attending to public business, the Commons were informed that His Majesty was graciously pleased to give them leave to proceed to the choice of a new Speaker. For the second time Sir Gilbert Eliot was proposed in opposition to the Ministerial nominee, Henry Addington, the son of a physician, and Tory Member for the borough of Devizes in Wiltshire.

This time the candidates not only spoke for each other, but backed their opinions with their votes. Addington said the Speakership would be "a burthen which his abilities were by no means able to sustain," and, looking round the House for some one thoroughly qualified for the post, he found the object of his quest in Eliot. "After the liberal manner in which the hon. gentlemen on the other side of the House had been pleased to speak of him," said Eliot in return, "it was incumbent on him to assure the hon. gentleman that he entertained the highest respect for his character and the best opinion of his abilities, and he should therefore give his hearty and decided vote in his favour."<sup>2</sup>

Eliot got 142 votes, or two less than in January, while Addington was elected by 215 votes, exactly the number obtained by his predecessor. The King was so delighted with the election of Addington that, though still weak from his illness, he went down to Westminster, on June 9, to give it his approbation, as a mark of his personal regard for the new Speaker.

Addington had little ability, but he had luck. He had just completed his thirty-second year. The salary of the Speakership, which till his election was derived from fluctuating sources and never exceeded £3000, was fixed at double that sum. At least he made an imposing Speaker.

<sup>1</sup> *Commons Journals*, vol. 44, p. 434.

<sup>2</sup> *Parliamentary History*, vol. 28, pp. 151-2.

"I have only to regret, as a picturesque man," said one of the letters of congratulation, "that such an enlightened countenance as God Almighty has given you should be shrouded in a bush of horse-hair."<sup>1</sup>

## CHAPTER LV

### FIRST SPEAKER OF THE IMPERIAL PARLIAMENT

ADDINGTON presided over the House of Commons for twelve years, and in a time of partisan Speakers had the confidence of the Whigs as well as of the Tories. When his father died, in March 1790, the House adjourned for two days. Only once was his impartiality questioned. The occasion was a dispute between the First Minister, Pitt, and Tierney, the leader of the Opposition. On May 25, 1798, Pitt brought in a Bill for increasing the Navy by 10,000 men, and as the nation was at war with France he asked the House to pass it through all its stages that evening. Tierney said he knew of no sudden emergency which made the Bill necessary; and in any case time ought to be allowed for examining into the claim of urgency. "No man," said Pitt, "could oppose the Bill in the manner Mr. Tierney had done, unless it were from a wish to impede the defence of the country." Tierney, thus almost stigmatized as a traitor, appealed to the Speaker for protection. Addington said that any words which tended to cast a personal imputation upon a Member were unparliamentary, and added that the House would wait to hear the explanation of the Minister. Pitt replied that the House must wait a long time before it heard any such explanation from him. Later on in the discussion he was more definite. "I gave no explanation," said he, "because I wished to abide by the words I had used."<sup>2</sup> Thus he set

<sup>1</sup> Pellew, *Life of Lord Sidmouth*, vol. I, p. 66.

<sup>2</sup> *Parliamentary History*, vol. 33, pp. 1460-2.

at naught the authority of the Chair. But the Speaker did not move. Tierney, to emphasize his resentment of the words of Pitt and the inaction of Addington, rose and left the Chamber. In the fashion of the time the matter could only be settled by pistols.

The quarrel arose on a Friday. The next day Pitt sent for the Speaker, and apprised him that arrangements had been made for the duel to take place on Putney Heath at three o'clock on Sunday afternoon. Addington not only did nothing to stop the meeting, but mounting his horse after luncheon on Sunday rode out to Putney to see the uncommon spectacle of the Leader of the House and the Leader of the Opposition shooting at each other with something more serious than partisan arguments. "When I arrived on the hill," said Addington, in an account he gave of the occurrence, late in life, "I knew from seeing a crowd looking down into the valley that the duel was then proceeding. After a time I saw the same chaise which had conveyed Pitt to the spot mounting the ascent, and riding up to it I found him safe, when he said, 'You must dine with me to-day.'"<sup>1</sup> Two shots were fired by the combatants without effect, after which the seconds decided that enough had been done for honour.

On February 12, 1799, Addington spoke in Committee in support of the resolutions moved by Pitt for a Union of Ireland with Great Britain. He said the occasions were few on which he was disposed to take any other part in the debates and proceedings of the House than that which was called for by his official duties as Speaker. On this subject of the Union, however, he made a long speech, the report of which fills twenty columns, or ten pages of the *Parliamentary History*. The Union was effected, and the Irish Lords and Commons appeared in the first Imperial Parliament which met at Westminster on January 22, 1801. Addington, therefore, was the first Speaker of the Commons of the United Kingdom. Within a few weeks he was Prime Minister. In his speech on the Union he declared that he

<sup>1</sup> Pellew, *Life of Lord Sidmouth*, vol. 1, p. 205.

was utterly opposed to Catholic Emancipation, by the granting of which Pitt had hoped to make the Union a healing measure, and it was to him that George III. turned to form an anti-Catholic Administration when, in February 1801, Pitt resigned in consequence of the refusal of the King to sanction his proposals for the completion of his Irish policy.

On February 10, the Clerk read to the House a letter from the Speaker in which he said that "His Majesty having been pleased to express his intention of appointing me, at this conjuncture, to a situation which would be incompatible with the continuance of my service to the House of Commons," he begged to tender his resignation.<sup>1</sup> Addison took his seat on the Treasury Bench, as Chancellor of the Exchequer and Prime Minister, on March 23.

Sir John Mitford, a lawyer, who represented the county of Northumberland, was elected to succeed Addington in the Chair. He had been appointed Solicitor-General in 1793, and Attorney-General in 1799, and resigned the latter office when selected by the new Government as their nominee for the Speakership. The election took place on February 11, 1801. Richard Brinsley Sheridan proposed Charles Dundas, on behalf of the Whig Opposition, but as Dundas had taken neither the oaths nor his seat he was not eligible; and there was no division. Mitford declined to follow the ancient custom of declaring himself unfit for the Chair. He said that in view of the high legal offices which he had filled, and the length of time he had attended to his duty as a Member of the House, he would not for a moment suppose that any gentleman should think him unqualified for the situation. Indeed, he very candidly avowed that it was his ambition to preside over the deliberations of the Commons.<sup>2</sup>

"There could not be a stronger presage of our joint endeavours to save this dear country than the choice of Sir John Mitford as Speaker of the House of Commons," said the King in a letter to Addington. His tenure of office,

<sup>1</sup> *Commons Journals*, vol. 56, p. 33.

<sup>2</sup> *Parliamentary History*, vol. 35, pp. 948-55.



however, lasted only a year. He was appointed Lord Chancellor of Ireland on February 9, 1802, and created a peer of the United Kingdom as Baron Redesdale.

## CHAPTER LVI

## A PARTISAN SPEAKER

ON February 10, 1802, the vacant Chair was filled by the election of Charles Abbot, another lawyer, who had been appointed Chief Secretary for Ireland when Addington became Prime Minister. Sheridan again proposed Charles Dundas for three reasons. In the first place, he desired to establish the principle that gentlemen who had not held office, and were therefore independent of the Ministers, should be appointed to the Chair. He also condemned the practice of looking only to the profession of the law for Speakers, and advocated a return to the custom of selecting them from the landed gentry. But when the question was put, "That the Right Hon. Charles Abbot do take the Chair of this House as Speaker?" it was agreed to without a division.

At his election to the Chair, Abbot represented the borough of Woodstock, Oxfordshire. In 1806 he was returned for Oxford University. Born in 1757, the son of the Rev. John Abbot, rector of All Saints, Colchester, and educated at Westminster and Christ Church, Oxford, he was one of the ablest and most distinguished men that have filled the Chair. He was Speaker for fifteen years, and his tenure of office is perhaps most notable for a remarkable demonstration in support of the absolute impartiality of the Chair, called forth by an act of partisanship into which he was led by his hostility to Catholic Emancipation. In 1813 a Bill was introduced by Henry Grattan, the Irish patriot, to open the doors of Parliament to Roman Catholics. In Committee on the Bill, Abbot

moved an amendment in the first clause striking out the words which enacted that Roman Catholics should be free to sit and vote in either House of Parliament, and it was carried by 251 votes against 247. The Bill was therefore withdrawn by its promoters.

No objection was raised to Abbot's action by the supporters of Catholic emancipation. It was still recognized that the Speaker was entitled to exercise all the functions of a Member when the House was in Committee, and he, of course, was not in the Chair. But at the end of the session, on July 22, 1813, when Parliament was prorogued by the Prince Regent, Abbot availed himself of the opportunity afforded by the presentation of Money Bills for the Royal Assent at the Bar of the House of Lords, to make a violent speech in opposition to the Catholic claims, which aroused the indignation of the friends of the cause in the House. "But, Sir," said he, after recapitulating all the measures of the session, as was customary on such occasions, "these are not the only subjects to which our attention has been called. Other momentous changes have been proposed for our consideration. Adhering, however, to those laws by which the Throne, Parliament, and the Government of this country are made fundamentally Protestant, we have not consented to allow that those who acknowledge a foreign jurisdiction should be authorized to administer the powers of the Realm, willing as we are, nevertheless, and willing as I trust we ever shall be, to allow the largest scope to religious toleration."

"I observed," says Abbot in his *Diary*, "the Regent repeatedly nod assent to parts of my speech, and especially to the passage about the Roman Catholics." He also records that on his return to the House of Commons, Lord Morpeth came up to him, as he sat in the Chair, whilst Lord Castlereagh, Bathurst, and Vansittart were standing by, and asked whether his speech would be entered on the *Journals*. "To which," says Abbot, "I answered, 'Certainly not'; and he then replied, 'he should have objected to part of it if there had been any such proceeding,' and so departed." Abbot then goes on to foreshadow his defence should he be

called to account for the speech. "I remarked to Lord Castlereagh, Vansittart, and Bathurst," he says, "that the House had repeatedly refused to instruct the Speaker what he should say, that they left it to him to collect the sense of the House from its proceedings, and that, as to pleasing everybody, I had long ago given up the attempt."<sup>1</sup>

The speech aroused considerable political excitement outside the House of Commons also. It was furiously denounced by the supporters of Catholic emancipation. Fervent endorsements of its sentiments, passed by anti-Catholic meetings and engrossed on vellum, were presented to Abbot. At the opening of the new session of Parliament in November 1813, Lord Morpeth gave notice of his intention to bring the speech under the consideration of the House of Commons after the Christmas recess. As a preparation for the debate, the House on November 8 passed a resolution that Mr. Speaker should be desired to print his speech. "It was settled by me with the Clerk of the Journals," Abbot records, "to print my speech, like Sir Fletcher Norton's on May 7, 1777, as a separate sheet of the Votes." Under date November 17 he writes: "Met Whitbread riding, who congratulated me upon the light labours of the House of Commons, and the re-establishment of my health, hoping that I might stay with them for twenty years to come." Whitbread was a prominent Whig, who had already in the House denounced Abbot "as an unauthorized and unauthenticated expositor of the opinions of the House of Commons." "I said," Abbot continues in his *Diary*, "'Yes, if you do not dethrone me.' He replied laughing, 'Oh no; only checks and guards, and I assure you there is no one who would be more sorry than I should be to see you out of the seat.'"<sup>2</sup>

The opportunity for discussing the speech did not arise until April 22, 1814. Morpeth then moved a resolution which was very adroitly worded, if somewhat far-fetched. Ignoring the publication of Parliamentary proceedings in the

<sup>1</sup> *Diary and Correspondence of Lord Colchester*, vol. 2, p. 453.

<sup>2</sup> *Ibid.*, vol. 2, pp. 458-9.

Press, it charged the Speaker with having violated the privileges of the House by disclosing its secrets to the Crown. "That it is contrary to parliamentary usage and to the spirit of parliamentary proceedings," it ran, "for the Speaker, unless by specific instruction of this House, to inform His Majesty at the Bar of the Lords, or elsewhere, of any proposals made to the House by any of its Members, either in the way of Bill or motion, or to acquaint the Throne with any proceeding relative to such proposals until they shall be consented to by this House." Abbot made a long and able speech in defence of his action. He relied upon precedents from the *Journals* showing that Speakers, when reviewing the work of the session at the Bar of the Lords, did not confine themselves to the Bills that had been passed, but often entered at large upon matters, foreign and domestic, which had occupied the attention of the House. Where he failed, however, was in the production of a single instance of a partisan speech by a Speaker in relation to the most controversial question of the hour.

His conduct was unreservedly condemned, by the Whigs at least. Strong as was the language of Morpeth's motion, it was not denunciatory enough for Whitbread. He moved an amendment declaring the Speaker had been "guilty of a violation of the trust imposed in him, of a breach of the privileges of the House, of which he is the chosen guardian and champion," and Creevey seconded it. Whitbread recalled the historic saying of Speaker Lenthall, when Charles I. asked him were the five Members in the House. "I have neither eyes to see, ears to hear, nor tongue to speak, but as the House directs." "You, sir," said Whitbread to Abbot, "used your ears to hear and your eyes to see, as a private Member; and used your tongue as Speaker to give utterance to that which you had no right to state." Plunket, in an eloquent speech, described the action of the Speaker as the most formidable attack on the constitution of Parliament that had occurred since the Revolution. Tierney, the Whig Leader, came to closer quarters with the principle that was really at stake. "When a Bill was passed, it spoke for itself," said he. "But if

this discretion was to be considered as vested in the Speaker of adverting to the proceedings of the House, the Speaker of the House of Commons must be a Party man. There would be an end to everything like a Speaker for a length of years by whose experience in the manner of conducting the business of the House they could derive advice and instruction." Canning, who had voted against Abbot's destructive amendment in the Bill for removing the disabilities of Roman Catholics, was the most influential man who spoke up for Abbot. While it might be contended that the Speaker had fallen into an error of judgment, he thought it could not be said that he had abused his authority. "What it is not lawful for the King to notice," said Grant, on the other side, "it is not lawful for the Speaker to express."

In the end Whitbread withdrew his amendment, his object in moving it being to have it recorded in the *Journals*. The House rejected Morpeth's motion by 274 votes against 106, and passed a resolution declaring that the Speaker had done nothing which called for its interference. The debate helped immensely in establishing the Chair's independence of all political parties.<sup>1</sup> These addresses by the Speaker at the end of the session, when Parliament was prorogued by the Sovereign in person, were discontinued not long afterwards; but never again, while the custom survived, was a controversial speech delivered, and reference was confined to the most important measures that had actually become law.

In 1817, Abbot's health broke down, and he decided to retire. The manner of his resignation and the consequent proceedings are interesting from a constitutional point of view, because they led to a curious clash between the prerogatives of the Crown and the privileges of the Commons. He relates in his *Diary* that he informed the Prime Minister, Lord Liverpool, on May 27, 1817, of his desire to resign the Chair. Liverpool, acknowledging the communication next day, says he laid it before the Prince Regent, who expressed his gracious intention to make Abbot a peer, and to send a

<sup>1</sup> *Parliamentary History*, vol. 27, pp. 465-522.

message to Parliament recommending a proper provision for the maintenance of that dignity. "He came to me from the Levee," Abbot writes, "and mentioned the provision intended to be £4000 a year for me and £3000 for next heir of the peerage." Abbot adds that he decided to take the title of "Colchester." Everything having thus been satisfactorily settled, the Clerk of the House of Commons, on May 30, read a letter of resignation from Abbot.<sup>1</sup>

The next development was on June 3, in the House of Commons. When the new Speaker, Manners-Sutton, had been confirmed, Lord Castlereagh, as Leader of the House, delivered a message from the Prince Regent that, "acting in the name and on behalf of His Majesty," His Royal Highness had conferred the dignity of the peerage on Abbot for his services in the Chair, and recommended that a proper provision should be made for him and his next heir male. This undoubtedly was quite an innovation. Hitherto the procedure had been for the House, in the first instance, to present an address to the Sovereign praying for "a signal mark of favour" to be conferred on the retiring Speaker; and the new departure in the case of Abbot was resented by the Opposition as an unconstitutional interference by the Crown with the privileges of the House. It was contended that as the Crown was not entitled to know what passed in the House, it was consequently unable to appreciate the merits of the Speaker in the discharge of the duties of the Chair—an argument never wanting in conflicts between the Commons and the Sovereign, but becoming more and more threadbare and absurd in the ever-growing light cast upon the House and its proceedings by the Press. The Government, however, could not but see they had made a mistake. Castlereagh tried to retrieve it in a blundering way. He gave the extraordinary explanation that the provision which the House was asked to make was not in consideration of Abbot's services as a Speaker, but was in respect of his peerage, which was solely the gift of the Sovereign. "No, no!" cried the House. Then the Government tacitly

<sup>1</sup> Lord Colchester, *Diary and Correspondence*, vol. 2, pp. 617-19.

admitted their error by withdrawing their motion that the message of the Prince Regent be considered.<sup>1</sup>

On June 5 the customary votes of thanks was passed to Abbot, after which Castlereagh moved an address to the Prince Regent asking for the usual signal mark of favour for the retiring Speaker. The next day the reply was received. It was the recommendation of a proper provision, to be settled as the House thought fit. The House went into Committee, and after some discussion agreed to the provision which had already been privately arranged by the Government—a pension of £4000 a year for Abbot, with a reversion of £3000 a year to the next heir male to the title. It was mentioned in the course of the discussion that Abbot had also a pension of £1500 in respect of his resignation of the office of Keeper of the Privy Seal of Ireland, a sinecure office of £3000 a year which was given to him on his appointment as Chief Secretary, and which, it was said, he might have held for life.<sup>2</sup>

## CHAPTER LVII

### MR. SPEAKER MANNERS-SUTTON

CHARLES MANNERS-SUTTON, the new Speaker, was the son of the Archbishop of Canterbury. Born in 1780, he was educated at Eton and Trinity College, Cambridge, was called to the Bar in 1806, and in the same year was returned to Parliament as Member for Scarborough. In 1809 he was made Judge Advocate-General, a post which he resigned on his appointment as Speaker.

Once only has a Speaker been dismissed on the assembling of a new Parliament because he was known not to hold the views of the Party which came back from

<sup>1</sup> *Parliamentary Debates*, vol. 36, pp. 884-8.

<sup>2</sup> *Ibid.*, vol. 36, pp. 889-97.

the country in a majority. This was Charles Manners-Sutton. A Tory himself, he was the nominee of the Tory Administration in office at the resignation of Charles Abbot in 1817. The moderate Conservatives and Whigs put forward Charles Watkin Williams Wynn. His brother, Sir Watkin Wynn, who was also in the House, and he were known as "Bubble and Squeak," on account of the peculiarity of their voices. Indeed, Canning thought the only objection to Wynn as a candidate for the Chair was that members might be tempted to address him as "Mr. Squeaker." However, Manners-Sutton was elected by the large majority of 262, or 312 votes against 150, and in accordance with precedent he was reappointed to the position after General Elections in 1819, 1820, 1826, 1830, and 1831.

In 1832, during the final struggle over the great Reform Bill, he declared his intention to retire at the close of the session, which was to be followed by the Dissolution of Parliament and a General Election on the new and greatly enlarged franchise. The announcement was not made by letter addressed to the Clerk, as had been the practice hitherto, but by himself personally in a speech to the House. "The right honourable gentleman, who spoke throughout with very observable emotion,"—it is recorded in the *Parliamentary Debates*,—"sat down amid the loud and continued cheers of the House." A vote of thanks for his services in the Chair was unanimously passed, on the motion of Lord Althorp, the Whig Leader of the House, and an address to the Crown was agreed to, praying His Majesty to confer on him a signal mark of royal favour.<sup>1</sup> The reply of William IV. was received the next day. His Majesty expressed his desire to comply with the wishes of the House, and recommended the adoption of such measures as would accomplish that object.<sup>2</sup> On August 1 the House went into Committee on the subject. That rigid economist, Joseph Hume, declared that all retiring Speakers should proudly decline a pension as a thing mean and unworthy, and as that

<sup>1</sup> *Parliamentary Debates* (3rd series), vol. 14, pp. 931-40.

<sup>2</sup> *Ibid.* (3rd series), vol. 14, pp. 964-5.



appeared to be a state of perfection to which retiring Speakers were never likely to attain, he would move the abolition of the pension at the next vacancy of the Chair. It was agreed, however, that Manners-Sutton should have the usual annuity of £4000, and, after his death, his heir male one of £3000.<sup>1</sup>

But the Whig Ministers, returned again to power at the General Election which followed the passing of the Reform Act, were apprehensive that a new and inexperienced Speaker would be unable to control the first reformed Parliament, which, it was feared, might consist of discordant elements, and they induced Manners-Sutton to consent to occupy the Chair for some time longer, so that he might properly curb any rude spirits—disrespectful of the traditions of Parliament and defiant of its rules—which might find their way into the House. The Radicals, however, decided to oppose his re-election. The new Parliament, to which Manners-Sutton had been returned as one of the Members for Oxford University, assembled on January 29, 1833. Edward John Littleton (afterwards Lord Hatherton) was first proposed by Joseph Hume and seconded by Daniel O'Connell. Manners-Sutton, although he was a Tory, was nominated by two distinguished Whigs, Lord Morpeth and Sir Francis Burdett. The long debate which followed turned not so much upon the respective merits and capabilities of the rival candidates, as upon the curious position that Manners-Sutton had been granted by Act of Parliament a pension of £4000 a year upon the supposition that he had retired from the office of Speaker. It was held by Hume, O'Connell, and William Cobbett that Manners-Sutton if again elected to the Chair would be entitled to draw his pension as well as his salary. Lord Althorp, speaking for the Government, said the pension was not to commence until Manners-Sutton had ceased to be Speaker, and Manners-Sutton himself declared that whatever the law might be he was determined, if again elected Speaker, not to receive a shilling of the pension so long as he had the honour to fill the Chair.

<sup>1</sup> *Parliamentary Debates* (3rd series), vol. 14, pp. 991-6.

Littleton did not desire to have his name submitted to the House, but, nevertheless, a division was taken, and he was rejected by 241 votes to 31, or the substantial majority of 210. Thereupon Charles Manners-Sutton was declared elected Speaker unanimously.<sup>1</sup> On September 4, 1833, Manners-Sutton was knighted "as a reward," says Greville, "for his conduct during the session, in which he has done the Government good and handsome service."

When a new Parliament next assembled, on February 19, 1835, the Tories were in office, the Whigs having been summarily dismissed by William IV. in the preceding November; but, as the result of the General Election which followed, a majority of Whigs confronted Sir Robert Peel, Prime Minister, in the House of Commons, determined to fight him on every issue. Charles Manners-Sutton was again nominated for the Chair, this time his proposer and seconder being Tories. That he was a staunch Tory everybody was well aware. In 1821 and in 1825, like his Tory predecessor, Charles Abbot, he opposed in Committee Bills for the removal of Roman Catholic disabilities—a question which, though it cut across the lines of Party, was more favoured by the Whigs than the Tories. He again spoke in Committee in 1834, this time against a Bill for the abolition of the religious tests which excluded Nonconformists from the Universities.<sup>2</sup> On Canning's accession to power in 1827, Manners-Sutton was offered the post of Home Secretary, but he declined it on account of his disagreement with the Prime Minister on the question of Catholic emancipation, of which Canning was one of the most consistent and influential advocates.

In all these transactions he had not gone beyond that free expression of political opinion which the Speaker then enjoyed. But the Speaker was expected to refrain more or less from rendering active assistance to the political Party with which he was in sympathy, and Manners-Sutton was

<sup>1</sup> *Parliamentary Debates* (3rd series), vol. 4, pp. 35-83.

<sup>2</sup> *Ibid.* (2nd series), vol. 4, pp. 1451-4; (2nd series), vol. 13, p. 434; (3rd series), vol. 14, pp. 1092-3.



MR. SPEAKER MANNERS-SUTTON (VISCOUNT CANTERBURY)  
FROM AN ENGRAVING AFTER THE PAINTING BY A. E. CHALON, R.A.



known to have committed overt acts of partisanship. During the Grey Administration in 1831, the opponents of Reform met at the Speaker's House to arrange the campaign of attack on the Government in Parliament.<sup>1</sup> So high was he in the confidence of the Tories that when there was a prospect of the Grey Administration resigning in May 1832, in the conflict with the Lords over the Reform Bill, he was invited to form a Tory Government, but declined the task. These sins, however, were forgiven or forgotten by the Whigs when they appealed to him to preside over the first reformed House of Commons. Now he was charged with deeds of partisanship overtly and covertly which the Whigs, exasperated as well as triumphant, protested it was impossible to overlook. It was said he had conspired against the Melbourne Administration to the extent of having influenced the King to dismiss them from office and dissolve Parliament, and that had the Tories been successful at the polls he would have received as his reward a high appointment in Peel's Cabinet.

The Whigs were therefore against his re-election to the Chair. That at least was the feeling among the rank and file of the Party. The leaders were reluctant to embark upon the enterprise of opposing Manners-Sutton. The success of it was doubtful, owing to the great reputation and influence of Manners-Sutton, whose conduct in the Chair met with general approbation, and, if it were triumphant, it might have unpleasant consequences, for the feeling still lingered that a new Speaker would find it difficult to curb the intractable personal elements to which Reform was supposed to have opened the doors of the House of Commons. Earl Grey advised Melbourne that it would be well to re-elect Manners-Sutton. Melbourne at first agreed with his predecessor in the leadership of the Whig Party. But it was made clear to him that such a course would strain the allegiance of his followers. He then decided that "upon principle" it was right to oppose Manners-Sutton. "I think," he wrote to Grey, "the Speaker of the House of Commons should not take a part in political changes, and particularly not in a change which there was

<sup>1</sup> *Correspondence of Earl Grey*, vol. 1, pp. 73-4.

every reason to believe was disagreeable to the majority of the House, of which he is the servant, and which involved its dissolution."<sup>1</sup>

## CHAPTER LVIII

### AN HISTORIC ELECTION TO THE CHAIR

THEN arose the question—Who should be the nominee of the Party? The leaders were committed to support Spring-Rice, Secretary of State for War and the Colonies—two Departments which then had but one head—in the late Whig Administration, and a Member of the Cabinet, who had longed for years to be Speaker; and was now busy in urging his claim upon his colleagues. Among others to whom he wrote was Earl Spencer, who as Lord Althorp had been Leader of the House of Commons in the Whig Governments since the Reform Act. The Earl fully recognized Spring-Rice's title to look to the Party for the realization of his ambition, and then went on to make some curious and unexpected comments on the office of Speaker. "I am surprised, I own," he wrote, "that you should choose to lower yourself to so fameless an office as that of Speaker, standing as high as you do at the present time. But if that is your choice, no one else can have anything to say against it. The only objection that any man could make to you is that you have too much sense to carry on the humbug of the Chair without occasionally laughing; for though a necessary humbug, still it is a humbug. Addington and Abbot made better Speakers than Sutton, because they had less sense, and Lord Grenville made a much worse one, I believe, because he had more."<sup>2</sup>

But Spring-Rice was unpopular with the Radicals, and he was set aside for James Abercromby, to whose support it was found all sections of the Party were willing to rally.

<sup>1</sup> *Lord Melbourne's Papers*, 245 (1890).

<sup>2</sup> *Torrans, Memoirs of Viscount Melbourne*, 334 (1890).

Like Spring-Rice, Abercromby had also been a Cabinet Minister. He was the third son of the famous Scottish soldier, Sir Ralph Abercromby, was called to the English Bar, and in 1830, having then been twenty-three years in Parliament as a Whig, was appointed Chief Baron of the Exchequer of Scotland. Two years later this office was abolished, and, with a pension of £2000 a year, Abercromby returned to the House of Commons again as Member for Edinburgh in the first Reform Parliament. He wanted to be Speaker, but, as already stated, the Government preferred to entrust the guidance of the new House to the experience of Manners-Sutton, and he got instead a place in the Cabinet as Master of the Mint.

In 1835, however, he was unwilling to stand for the Chair. It was only after an urgent appeal had been made to him by Melbourne, in the interest of the unity of the Party, that he consented to be the Whig nominee. "I have been forced into a position which is, in many respects, distressing to me." Thus he began a letter to Spring-Rice, condoling with him on his frustrated desire and explaining his own position. It was true he had wished for the Chair at the last election, but as the reason which had then influenced him no longer existed, he did not desire to be removed from an active share in politics. "I sincerely regret having been forced forward," he went on, "and I should feel it more deeply if I did not secretly believe that all opposition to Sutton is vain, after his being in possession of the office, with his experience and with the opportunities he has had of cultivating the opinion of the House."<sup>1</sup>

On February 19, 1835, the new House of Commons met for the most exciting election of Speaker which had yet taken place. The destruction of the old Palace of Westminster by fire had occurred during the recess of 1834, and the Commons assembled in the temporary structure which had been hastily raised for their accommodation. There was an enormous throng of Members. Every available man

<sup>1</sup> Torrens, *Memoirs of Viscount Melbourne*, 341 (1890).

had been whipped up by both sides. In the course of a frank and dignified speech, Manners-Sutton pledged his honour that the more direct and serious charges that he had intrigued against the Whig Cabinet, and had counselled and advised the King to dissolve Parliament, were false from beginning to end. The communications which passed between him and His Majesty were entirely on one subject—the destruction of the Speaker's House by the recent fire. But he admitted having been in consultation with Wellington and Peel in regard to the formation of the Tory Government. Lord John Russell commenced his long career as Whig Leader in the House of Commons by conducting the attack on Manners-Sutton. The political bias of the right hon. gentleman had, he said, led him into acts which in a Speaker could not be excused or defended. What did the House expect of its Speaker? Such was the question which the noble lord asked; and to it he gave the answer—"A man who was zealous in behalf of the liberties of the people, zealous in behalf of the popular prerogatives; to be the organ of the House in its communication with the Crown, to represent their feelings firmly, zealously, and openly, without fear of offending, or a wish to conciliate those who might have the dispensing of favours."<sup>1</sup>

Uncertainty as to the result prevailed until the numbers of the division were actually announced. At that time the system of division lobbies had not been established. Members remained in the Chamber, separating to the right and left, and were counted by the tellers, who were stationed on the floor with their wands of office. The Tory supporters of Manners-Sutton were first reckoned. They numbered 306. It was thought unlikely that the Liberals would make so big a muster, and those who sat by Manners-Sutton on the Ministerial side of the House ventured to whisper congratulations to him on his victory. Meanwhile the Liberals were being counted in dramatically intense silence. "Three hundred and five," said the tellers. Then, says a contemporary account of the scene, there was a slight pause.

<sup>1</sup> *Parliamentary Debates* (3rd series), vol. 26, pp. 3-61.



“Three hundred and six.” The antagonists were now even! “Three hundred and seven.” Cheers burst forth from the Liberals, and were prolonged during the rest of the counting, which ended in the election of Abercromby by the narrow majority of ten.<sup>1</sup> Each candidate gave his vote in favour of the other. “Such a division was never known before in the House of Commons,” writes Charles Greville. “Much money was won and lost. Every one betted. I won £55.” He adds: “All the Irish members voted but four; all the Scotch but three, all the English but twenty-five. The Irish and Scotch, in fact, made the majority.”<sup>2</sup>

Gladstone, who was a Member of the House at the time, wrote to his father of the election: “Our Party mustered splendidly. Some few, but very few, of the others appear to have kept away through a sense of decency. They had not virtue enough to vote for the man whom they knew to be incomparably the best, and against whom they had no charge to bring. No more shameful act, I think, has ever been done by a British House of Commons.”<sup>3</sup> In this letter the indignation of the Tory Party finds expression. The King was downright furious. Greville, writing in July 1835, thus describes how William IV. flouted Abercromby at Court: “The other day the Speaker was treated by him with shocking rudeness at the Drawing-Room. He not only took no notice of him, but studiously overlooked him while he was standing opposite, and called up Manners-Sutton and somebody else to mark the difference by extreme graciousness to the latter. Seymour, who was with him as Serjeant-at-Arms, said he had never seen a Speaker so used in the five-and-twenty years he had been there, and that it was most painful. The Speaker asked him if he had ever seen a man in his situation so received at Court. Since he has been Speaker the King has never taken the slightest notice of him. It is monstrous, equally undignified and foolish.”<sup>4</sup>

<sup>1</sup> Torrens, *Memoirs of Viscount Melbourne*, 347.

<sup>2</sup> *The Greville Memoirs*, vol. 3, p. 219 (1888).

<sup>3</sup> Morley, *Life of Gladstone*, vol. 1, p. 125.

<sup>4</sup> *The Greville Memoirs*, vol. 3, pp. 285-6.

## CHAPTER LIX

## A DISAPPOINTING SPEAKERSHIP

ABERCROMBY was the first man who had sat in the Cabinet to be elected to the Chair. That, perhaps, was all that was novel or remarkable in his Speakership. He committed openly no acts of partisanship, but he maintained a close connection politically with the Whigs during his tenure of the Chair. In the *Melbourne Papers* there is a letter from him to the Prime Minister, marked "Confidential," which, written at Berwick, October 9, 1835, gives an account of public feeling in the country regarding the Government, and shows that Melbourne had consulted him with respect to their policy.<sup>1</sup> As a Speaker one gets conflicting impressions of him from contemporary authorities. Disraeli in a letter to his sister, dated November 15, 1837,—the day he first took his seat in the House of Commons as Tory Member for Maidstone on the assembling of the first Parliament of Queen Victoria,—gives a pungent, if brief, description of Abercromby's re-election. He says: "Shaw-Lefevre proposed, and Struth of Derby seconded Abercromby. Both were brief, the first commonplace and coarse; all tame. . . . Peel said a very little and very well. Then Abercromby, who looked like an old laundress, mumbled and moaned some dulness, and was then carried to the Chair, and said a little more amid a faint cheer. To me, of course, the scene was exciting enough; but none could share my feelings except new Members."<sup>2</sup>

Evidently Abercromby lacked impressiveness, a quality of the first importance to the Speaker. He seems to have been doubly unfortunate, for he was also wanting in the capacity to control the House, according to Walpole's *Life of Lord John Russell*. The direction of debate occasionally slipped from his grasp during the angry conflicts between

<sup>1</sup> *Lord Melbourne's Papers*, 291-2.

<sup>2</sup> *Lord Beaconsfield's Letters* (popular edition, 1887), 116-7.

Government and Opposition in the closing years of the last Melbourne Administration. On December 7, 1837,—within a few weeks of his re-election to the Chair over which Disraeli makes merry,—he wrote indignantly to the Prime Minister that he must resign, as he did not receive the support he was entitled to expect from the Leader of the House. Melbourne sent a mollifying reply. "I have, of course, shown it," he says, referring to Abercromby's complaint, "to Lord John Russell, who takes such a very different view of the facts stated in it, that I conceive that there must be a good deal of misconception on both sides, which would probably be removed by explanation."<sup>1</sup>

Abercromby was induced by the Prime Minister to prolong his occupation of the Chair. But the good understanding restored between him and the Leader of the House did not long continue. Indeed, so exasperated was he by the discontent with his conduct in the Chair, which Lord John Russell took no pains to conceal, that on May 6, 1839, he startled the House generally with the unexpected announcement of his early retirement. He had, however, previously told Lord John Russell of his intention, and with Russell's permission had communicated it also to Sir Robert Peel.<sup>2</sup> In his address to the House he said that, as his strength no longer enabled him to meet the labour and fatigue of his office, he had come to the determination not to resume the Chair after the Whitsuntide recess. Lord John Russell said a few official words of regret, as perfunctory and cold as they were brief, and Sir Robert Peel, the Leader of the Opposition, was equally short but less uncordial.

On May 16, when the motion of adjournment for the holidays had been agreed to, Abercromby bade farewell to the House. His speech was entered, according to custom, in the *Journals*.<sup>3</sup> But neither in the *Journals* nor in the *Parliamentary Debates* is there any record of the usual vote of thanks having been passed to him for his services in the

<sup>1</sup> *Lord Melbourne's Papers*, 370.

<sup>2</sup> Walpole, *Life of Lord John Russell*, vol. I, p. 322.

<sup>3</sup> *Commons Journals*, vol. 94, p. 271.

Chair, or of the customary address to the Crown asking for him a signal mark of royal favour, or of the conferring on him by the House of the pension of £4000 a year to which he was entitled with a reversion of £3000 to his heir, which had hitherto also been voted. On the following day, May 17, he was created a peer with the title of Lord Dunfermline. His pension of £2000 a year, as late Chief Baron of the Exchequer in Scotland, of course continued in operation. As to his conduct in the Chair, testimony of its excellence is afforded by a high authority, the Clerk of the House of Commons, Sir Denis Le Marchant, who writes: "In ability, constitutional knowledge, and even the practice of Parliament he was, undoubtedly, very superior to Mr. Manners-Sutton."<sup>1</sup>

## CHAPTER LX

### THE FIRST NON-PARTISAN SPEAKERS

WHEN the Commons reassembled on May 27, 1839, they proceeded forthwith to the election of a new Speaker. The Ministerial nominee was Charles Shaw-Lefevre. In opposition to him the Tories ran Henry Goulburn, who was Peel's Home Secretary in the brief Administration of December 1834. Shaw-Lefevre was elected by a majority of 18, or by 317 votes against 299. The publication of division-lists, giving the names of Members and how they vote, had come into operation a few years before.<sup>2</sup> The division-list of May 27, 1839 (No. 75), is an interesting document. It contains the first official record of the amiable custom whereby each of the candidates for the Chair used to express by his vote the conviction that his rival was the better man. Goulburn voted for Shaw-Lefevre, and Shaw-Lefevre voted for Goulburn.

<sup>1</sup> Le Marchant, *Memoir of Earl Spencer*, 450.

<sup>2</sup> The issue of the printed division-lists began on February 22, 1836. May, *Law and Usage of Parliament* (1906), 369.

Shaw-Lefevre was born on February 22, 1794. His father, a barrister, had been Member for Reading from 1802 to 1820. Educated at St. Mary's, Winchester, and Trinity College, Cambridge, he was called to the Bar in 1819, but had little practice. He entered the House of Commons in 1830 as a Whig. Politics did not seem particularly to appeal to him, nor had he any desire to shine in debate. He rarely spoke, whether on subjects general or political. But from the first the procedure of the House—its rules and orders, its customs and ways—greatly interested him; and he liked to busy himself with the practical work of the Committee-rooms, where Bills affecting the social interests of the community are considered. He was, in fact, the first of the modern Speakers—non-partisan in mind, dignified in manner, and convinced that to preside over the House of Commons was the highest honour that could fall to any man. He represented North Hampshire during his tenure of the Chair.

The General Election of 1841 brought about a change of Government. The Melbourne Administration, which elected Shaw-Lefevre to the Chair, was overthrown at the polls, and the Tories came back with a majority of 91. Many of the victors in the electoral contest were disposed to follow the example set by their opponents in 1835, and make a Party question of the Speakership at the meeting of the new Parliament on August 19, 1841. But their leader, Sir Robert Peel, refused to countenance this line of action. "I do not think it necessary," said he, in a speech supporting the re-election of Shaw-Lefevre, "that the person elected to the Chair who had conscientiously and ably performed his duties should be displaced because his political opinions are not consonant to those of the majority of the House." He had argued for that principle, he said, in the memorable contest between Manners-Sutton and Abercromby. He now proposed to act upon it. Moreover, he thought that Shaw-Lefevre, "by his ability, impartiality, and integrity," had secured the confidence of the House. Lord John Russell, who also took part in the debate, protested that

“a difference of political feeling” was not the ground of opposition to Manners-Sutton, but “circumstances connected with his conduct” as Speaker. The re-election of Shaw-Lefevre was, accordingly, unanimous. Peel’s wise view of the Speakership has since prevailed. The continuity of the office has not been broken since the dismissal of Manners-Sutton in 1835.<sup>1</sup>

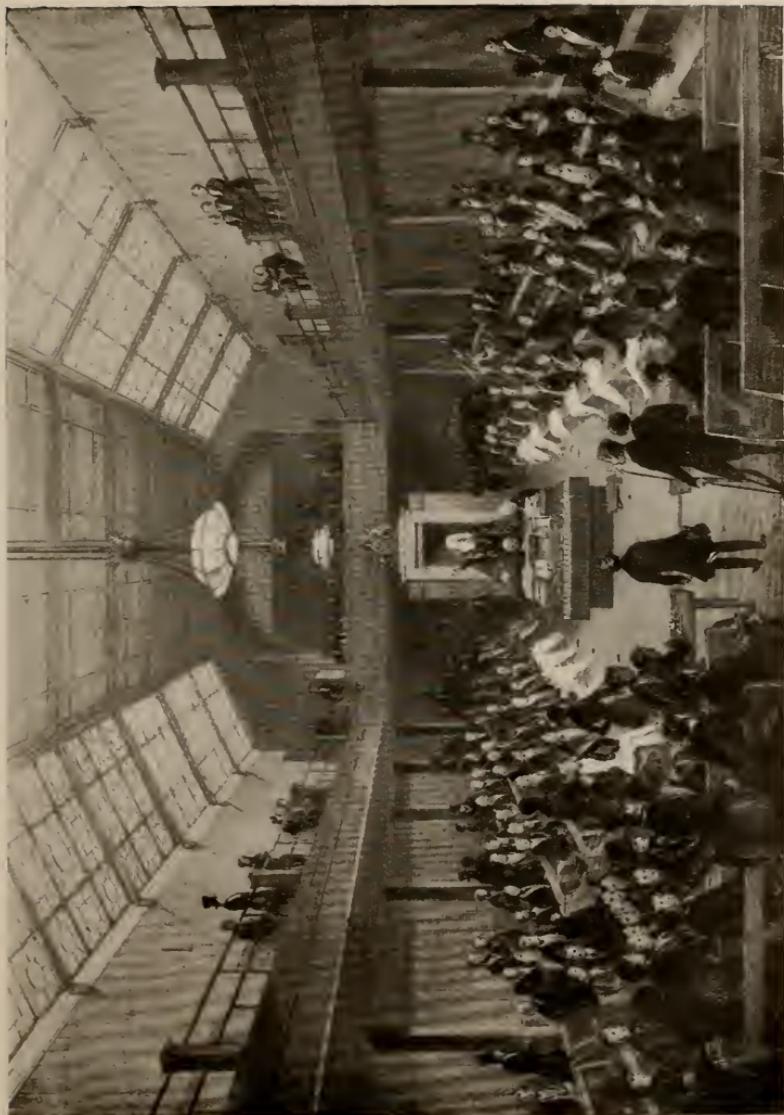
Having served for close on eighteen years,—the longest term of any Speaker except Arthur Onslow,—Shaw-Lefevre retired on March 2, 1857. He got the usual allowance of £4000 a year, and was raised to the peerage as Viscount Eversley;<sup>2</sup> but there was no pension for his heir male, as he was a widower without children. When he died in December 1885 he was within a few weeks of completing his ninety-fifth year.

John Evelyn Denison, who was unanimously elected to the Chair in succession to Shaw-Lefevre, on April 30, 1857, was born at Ossington, Nottinghamshire, and educated at Eton and Christ Church, Oxford. He was a country gentleman. Entering the House of Commons in 1823, he sat continuously until 1837, after which he was out of the House for four years, returning at the General Election of 1841. On his appointment as Speaker he represented North Northamptonshire. Thirty years before he had held office, for a brief term, as one of the Junior Lords of the Admiralty under Canning. A well-known edition of the Bible, *The Speaker’s Commentary*, originated with Mr. Speaker Denison.

“At a quarter before one o’clock, while I was undressing to go to bed, a knock at the door came, and Baillie told me Lord Palmerston wanted to see me. I put on my dressing-gown and went down to my library. Lord Palmerston and Mr. Brand were there.” So Denison writes in his *Journal* under date Friday, February 21, 1862. The reason of this untimely visit of the Prime Minister was that one of his colleagues in the Administration had received that night a hostile message from another Member of Parlia-

<sup>1</sup> *Parliamentary Debates* (3rd series), vol. 59, pp. 5-10.

<sup>2</sup> *Ibid.* (3rd series), vol. 144, p. 2300.



THE HOUSE OF COMMONS IN 1844

(MR. SPEAKER SHAW LEFEVRE REPRIMANDING A PERSON AT THE BAR)  
ENGRAVED BY H. MELVILLE FROM THE DRAWING BY T. H. SHEPHERD





ment, and he desired to confer with the Speaker as to the course to be taken for putting a stop to the proceedings. The story of the episode and how it ended affords a curious contrast with the action of Mr. Speaker Addington in the duel between Pitt and Tierney in 1798.

In the House of Commons that day there had been an Irish debate in the course of which the Chief Secretary, Sir Robert Peel (son of the Prime Minister), contemptuously referred to a Nationalist meeting in Dublin, at which, he said, "a few manikin traitors" and not "a person of respectability" were present. The O'Donoghue, then Member for Tipperary, had presided at the meeting. Though he was present at the debate, he took no exception to the words in the House, but sent Major Gavin, another Irish Member, to the Chief Secretary in the course of the evening with a demand for an apology. Peel answered that he could make no apology for words spoken in the House, nor could he give any explanation but to the House. As this was not considered satisfactory by Major Gavin, he asked Peel to name a friend, and further intimated that when Peel had settled with The O'Donoghue he would have to give him satisfaction also, for he, too, had been present at the Rotunda meeting. Peel then said he would refer the matter to Lord Palmerston. What the Prime Minister did was to go in hot haste and inform the Speaker.

"I told him," says Denison, "to send such a challenge for words uttered in debate was a distinct breach of privilege. To accept the challenge would be a breach of privilege. Palmerston wrote a letter at once to Peel to this effect, and warning him against accepting any such challenge if it should be sent."

The questions which Denison says he had to consider were: "What power did I possess as Speaker during the adjournment of the House? In what way could I interfere if this matter was brought to my notice?" Sir Charles Wood, a Member of the Cabinet, advised him to write to the parties reminding them that if they fought they would be guilty of a breach of privilege. But he decided against this

course. It would not suffice merely to warn the parties. He felt bound to act with more vigour.

Addington, it will be remembered, rode out to Putney on the Sunday of the duel between Pitt and Tierney, to get early news of the result, if not to witness the encounter. Denison devoted the intervening Sunday, in this emergency, in talking over the matter with Erskine May, the Clerk of the House. What he decided to do was that, in the event of Palmerston letting him know there was a danger of a hostile meeting before the assembling of the House on Monday, he would send the Serjeant-at-Arms to a police magistrate with directions to have the parties bound over to keep the peace. In doing so he says he felt he should be acting in the spirit of the directions he would receive from the House, if the House were sitting.<sup>1</sup>

However, nothing happened, and when the House met on Monday, February 24, Palmerston brought the affair under its notice as a breach of one of its greatest privileges—perfect freedom of speech within its walls. The Speaker thereupon called on the O'Donoghue to express his regret for having taken a course inconsistent with the privileges of the House, and to assure the House that the matter should not proceed further. The O'Donoghue made the apology, and gave the assurance required of him. In doing so he attacked Peel, and concluded by thanking the right hon. gentlemen for the opportunity he had afforded him of "exhibiting him in his real character." There were cries of "Oh, oh!" but the Speaker thought it well to drop the curtain on the scene.<sup>2</sup>

<sup>1</sup> Denison, *Notes from My Journal*, 108-10.

<sup>2</sup> *Parliamentary Debates* (3rd series), vol. 165, pp. 617-26.

## CHAPTER LXI

## RISE OF THE NATIONALIST PARTY

SHAW-LEFEVRE looked and acted the part of Speaker to perfection. He was of commanding stature, standing over six feet high, was dignified in bearing, and had the important endowment also of a sonorous voice. He is said to have boasted—or is reputed to have believed—that he could daunt any obstreperous Member by the mere severity and indignation of the glance that shot from his expressive eyes. Denison used to tell the story, with the modest commentary that this was an occult power which he could not claim to possess. He was grave and diffident in demeanour, sensitive and nervous, and like most men of this temperament, was unready and wanting in firmness in emergencies.

But neither Shaw-Lefevre nor Denison were often called upon to speak and act with promptitude and vigour in the maintenance of the order and the rules of the House. It might be said, indeed, that Shaw-Lefevre, particularly, had a somewhat dull and monotonous tenure of office, if dignified and exalted. In his time it was the custom of young Members to collect late of an evening at the Bar, and, in the manner of their sort, punctuate the debate with shouts and laughter that were not always relevant. Shaw-Lefevre looked upon these gatherings with displeasure. He would call out, "Members at the Bar must take their places," and the young Members—amenable to order with all their high spirits—would immediately disperse.<sup>1</sup> He had quite an original but effective way of dealing with a difficult point of order when it arose. "His special excellence as a Speaker," says Mr. George Russell, in one of his gossipy papers, "was held to be that, when there was no precedent for a particular course, he always said that it was the well-known practice of the House, and that, if any one ever attempted to question

<sup>1</sup> White, *The Inner Life of the House of Commons*, vol. 1, p. 130.

these improvised authorities, he said: 'Order, order! The point is already disposed of,' with a voice and manner which silenced all remonstrance."<sup>1</sup>

Denison had not altogether so simple and easy a time. Obstruction, which was so highly developed by Charles Stewart Parnell in the late seventies and early eighties, really arose during the Speakership of Denison, though, as I have recorded, it was practised so long ago as the seventeenth century. In June 1870 there was a debate on the Clergy Disabilities (Removal) Bill which was prolonged by obstructive tactics till four o'clock in the morning. The minority, though small in numbers, kept the proceedings going by moving alternately the motions, "That the debate now be adjourned" and "That the House do now adjourn," and discussing them at length. These motions having been repeated eight or nine times, the Speaker ruled that any Member who had moved or seconded a motion for adjournment either of the debate or the House could not do so a second time. The minority, accordingly, were forced to give way, complaining that their rights had been unduly curtailed by the Chair.

It was pointed out to the Speaker that his predecessor, Shaw-Lefevre, admitted in the course of his evidence to a Select Committee on Public Business in 1854, that there was nothing in the rules to prevent two Members from stopping the progress of business by alternating motions for the adjournment of the debate with motions for the adjournment of the House, without end; and that in 1860 this very procedure had been tolerated by Shaw-Lefevre in the case of a single Member, John Francis Maguire, an Irish representative, who, in opposition to the Peace Preservation (Ireland) Bill, moved several motions for adjournment, speaking at considerable length on each.

"I talked to Lord Eversley on the point, and showed him his evidence," Denison writes. "He said great abuses prevailed in practice when he began his career. He does not doubt that *two* men were allowed at that time to make motions alternately. But he thinks the rule was made more

<sup>1</sup> G. W. E. Russell, *Sketches and Snapshots*, 380.

stringent before the end of his time. Old Mr. Ley<sup>1</sup> used to say, 'What does it signify about precedents? The House can do what it likes. Who can stop it?' In Sir E. May's book: 'I have held more than once that a man who rises in a debate, and moves the adjournment of the House or of the debate, speaks on the main question, and, having spoken, he cannot speak again.' Lord Eversley entirely concurred in this view; he thought it quite right, and he strongly urged me to take that ground and to stand upon it."<sup>2</sup>

In the course of the next Speakership, obstruction was carried to lengths undreamed of by Shaw-Lefevre or Denison. It was also scotched during the same tenure of the office. At least it was made impossible to prolong it to the same extent ever again; and this was achieved only at the cost of the loss of unfettered liberty of debate, which of all the many glories of the House of Commons was its chief and crown. The Speaker was Henry Bouverie Brand, who was elected to the Chair by the Liberals on February 9, 1872, when Denison retired after fifteen years' service. He was born in 1814, the second son of the 21st Baron Dacre, and was educated at Eton but did not go to a University. In 1852 he entered the House of Commons. He was appointed Parliamentary Secretary to the Treasury in 1859, and held that office in the Whig Administrations of Lord Palmerston and Earl Russell until 1866, when the Conservatives came into power. He was then made Chief Liberal Whip, and continued to act in that capacity during Gladstone's first Government, from 1868 until his selection for the Chair in 1872.

Doubts were expressed at the time whether one who had been for many years closely identified with Party in so pre-eminently a partisan office as that of Chief Whip would preside over the House with absolute impartiality. But Brand was ultimately accounted a success. He was unanimously re-elected by the Conservatives on the return of Disraeli to office in March 1874, and was chosen for a

<sup>1</sup> Ley had been Chief Clerk of the House of Commons.

<sup>2</sup> Denison, *Notes from My Journal*, 259-60.

third turn on the assembling of the Gladstone Parliament in 1880. On the latter occasion—April 29, 1880—Mr. Frank Hugh O'Donnell, a distinguished Nationalist with a fine talent for obstruction, got up and expressed on behalf of the Irish Party approval of the choice that had been made for the Chair. Sir Stafford Northcote, then the Leader of the Opposition, notes in his Diary: "This was meant simply to announce that the Irish Party intended to make themselves heard and attended to."<sup>1</sup>

The Parnellites had already made things heavy with care and responsibility for Brand, though they numbered only seven during the concluding years of the Conservative Parliament. They returned from the General Election of 1880 a force of sixty, "strong in numbers, discipline, and organization, and with great gifts of speech," as Brand himself said. His troubles as Speaker were now to begin in real earnest. Practically from the Revolution until the time of Brand, the days, or rather the nights, of the Speaker had been, on the whole, tranquil and serene, with no great care beyond that of seeing that things were done according to rule and precedent. The rise of the Nationalist Party had changed all that. There was seen displayed, for the first time in the House of Commons, a fervid white heat of passionate conviction on the part of a thoroughly disciplined and determined body of men, most of them little, if at all, susceptible to the great traditions and history of Parliament, which made them a foreign element at St. Stephens, in hopeless conflict with their environment, and a puzzle, as well as a scandal, to the unemotional and highly respectable British representatives, who were thoroughly imbued with that mysterious essence which is called the genius of the place.

Brand himself had defined obstruction—with much pithiness and discernment—as the abuse of the privilege of freedom of debate for the purpose of thwarting the will of Parliament. That was avowedly the intention of the Nationalists. The will of Parliament was that the grievances

<sup>1</sup> Lang, *Life of Sir Stafford Northcote*, vol. 2, pp. 150-51.

of Ireland—imaginary or real—exposed by the Parnellites should not be redressed. To defeat that will and compel Parliament, by brute force, without ruth or scruple, if necessary, to consider the claims of Ireland was the aim and object of the Parnellites. All of them were eager to indulge in the fierce and reckless delight of flouting the Chair as part of their boasted policy of bringing the House of Commons to impotency and contempt.

At first Brand encountered the obstructionists solely with a mild and conciliatory expression, save that there would creep into his eyes, when any of his rulings was disputed, a look of pained surprise. Then he decided to administer to them a rebuke, which, though gentle and compromising in its terms, was solemnly inscribed in the *Journals*. On July 25, 1877, he declared "that any Member wilfully and persistently obstructing public business, without just and reasonable cause, is guilty of a contempt of the House, and would be liable to such punishment, whether by censure, by suspension from the service of the House, or by commitment, as the House may adjudge."<sup>1</sup> It was clear, even then, that a revision of the Standing Orders must be made if the due transaction of public business was to be secured and the dignity of the House maintained. Yet so reluctant was the House to step aside from ancient ways, that it was not until February 28, 1880, that the first measure for the punishment of deliberate obstruction was adopted. A Standing Order was passed for the suspension of a member from the service of the House who should be "named" by the Speaker or the Chairman of Committees for persistently and wilfully obstructing the business of the House, for abusing the rules of the House, or for disregarding the authority of the Chair.<sup>2</sup>

<sup>1</sup> *Commons Journals*, vol. 132, p. 375.

<sup>2</sup> May, *Law and Usage of Parliament* (11th edition), 340.

## CHAPTER LXII

## THE LONGEST SITTING OF THE HOUSE

THE most historic protracted sitting of the House of Commons took place in the session of 1881. When Parliament met early in that year, Ireland was in the agony of the Land League agitation, a universal and fierce uprising of the people against the unrestricted powers of the landlords to charge any rents they pleased, and to impose on those unable to meet their exactions the awful fate of eviction. Gladstone, as Prime Minister, at once announced in the House of Commons that a Bill would be immediately introduced by the Chief Secretary for Ireland, Mr. W. E. Forster, for the vindication of law and order. It was the Protection of Person and Property Bill, which suspended the Habeas Corpus Act. Under its operation subsequently hundreds of Irishmen were cast into prison without trial as "suspects," on the warrant of the Lord Lieutenant. The Nationalist Members vowed to resist the passing of the measure with all the obstructive resources at their command; and, as the Closure had not yet been invented, their power in that direction was limited, practically, only by the extent of their combined inventiveness and physical endurance.

The debate on the motion for leave to bring in the Bill had been spread over three nights. When it was resumed on Monday, January 31, 1881, Mr. Gladstone declared it was the intention of the Government to obtain the first reading of the Bill before the House adjourned. The mingling cheers of the Opposition and Ministerialists showed that the Government had the support of both sides of the House. In the defiant shouts of the Nationalists from below the Gangway, on the Opposition side, there was an avowed declaration to defeat the purpose of the Government.

The temper of the House was also manifested in a long speech delivered early in the sitting by Parnell, and the impatience with which it was listened to by Liberals and



Conservatives alike. The Irish leader read many extracts from an article in the *Edinburgh Review* to show that the agitation conducted by Daniel O'Connell in the forties, which the Prime Minister had favourably contrasted with the Land League, received, in its time, the same meed of British reprobation. Again and again the Speaker was appealed to from both sides to declare that the honourable Member was wasting the time of the House. "I am bound to say," the Speaker declared at last, "that the honourable Member is really trying very severely the patience of the House." "I would not for the world transgress the rule of the Chair," replied Mr. Parnell in his icily ironical tones, "but I am bound to say that I shall have to try very severely the patience of the House in the course of this debate."

The discussion proceeded till one o'clock, the hour at which the House usually rose. A motion for the adjournment of the debate was moved by the Nationalists. There was an unmistakable note of mingled indignation and resentment in the tone of the Prime Minister's brief reply. "I beg to say on behalf of the Government," he answered, "that we propose to resist that motion." Both sides prepared for a stubborn and protracted contest of sheer brute force. It was now solely a matter of each holding out to tire the other down. Both sides adopted a system of relays. The Speaker and Deputy Speaker took turns in occupying the Chair. The Government Whips divided their followers into batches, which alternately remained on call at St. Stephens and went home for a few hours' sleep. The Nationalists off guard rested in various rooms of the building. The spectacle of Joseph Gillies Biggar asleep in a corner of the Library aroused in some supporters of the Government a desire to consult the heaviest books in bulk and weight they could find, and by a strange mischance these mighty tomes always slipped from their hands and fell with a crash close to the slumbering arch-obstructionist.

The Chamber itself was almost deserted. Members were continually coming and going, but few remained to listen to

the voice of some Irish Member speaking at amazingly inordinate length to empty benches. There were many divisions, of course. All through that Monday night, and all through the morning, noon, and evening of Tuesday, a motion for the adjournment of the debate followed a motion for the adjournment of the House in regular succession, and the empty state of the Chamber enabled the Nationalists to introduce some variety into the proceedings by frequently calling attention to the fact that the required quorum of forty members was not present. These motions and counts were followed by the ringing of the division bells summoning Members to the Chamber, but when the question was decided, Members again gradually melted away.

So the contest proceeded. At eight o'clock on Tuesday morning Mr. T. M. Healy moved the adjournment of the House in a speech of mordant humour edged with contempt, which lasted two hours and a half.

"The Irish Members," he said, "had been referred to as a minority endeavouring to put down the majority. But the majority were at home in bed; and the supporters of the Government who were in the House only made known the fact that they were awake by their interruptions." Lord Edmund Fitzmaurice rose to order, and asked whether observations upon Members being awake were relevant to the motion before the House. "Such an expression, I do not think was out of order," said the Deputy Speaker, Dr. Lyon Playfair, "but the hon. gentleman must not be surprised at the impatience of the House when some of his remarks seem to be made simply for the purpose of speaking against time."

On Tuesday evening the House was crowded. The tactics of the Nationalists had aroused intense interest, not unmixed with the profoundest indignation, as against something pernicious and abominable, and the public galleries were packed with eager and angry spectators. "Is this"—they probably asked themselves—"the price we are paying for the ancient treasured freedom of debate in the House of Commons for which our forefathers fought and died?" The

Lords' Gallery was crowded with peers, consumed with curiosity, like lesser mortals, as to the ultimate conclusion of this extraordinary scene. Among them was Lord Beaconsfield, looking sardonically through his eye-glass on what he might well have thought was the ruin of the House of Commons. But the end was still a long way off.

Mr. Parnell was interrupted at midnight by Mr. Milbank, a Ministerialist, who asked the Deputy Speaker whether, as the hon. Member had been called to order four times for irrelevance, he should not be "named" and suspended for obstruction. No notice of the question was taken by the Chair, and Mr. Parnell was about to resume his speech when Mr. Milbank, again interposing, called attention to the fact that Mr. Biggar had referred to him as "a bloody fool." The Deputy Speaker said such an expression would be entirely out of order, but it had not reached his ears. Soon after a division was taken, and when the numbers were announced Mr. Biggar complained that as he was going into the lobby Mr. Milbank approached him and said, "Biggar, you're a mean, impudent scoundrel." Mr. Milbank, when called upon by the Deputy Speaker for an explanation, said it was true he had used the words. He said that he distinctly saw the lips of the Member for Cavan moving, and heard the expression "bloody fool"; and as soon as opportunity offered he crossed the floor and called the hon. Member "an impudent scoundrel." "The hon. Member having admitted that he used that expression with reference to another hon. Member," said the Deputy Speaker, "it is his duty to apologize, not to the hon. Member but to the House." Mr. Milbank did apologize to the House, and hoped the hon. Member for Cavan would also be asked to make his excuses, but the Deputy Speaker declared the incident to be closed.

The eloquence of Mr. A. M. Sullivan, aflame with passion for the righting of wrongs, gave vitality and glow to the long dreary wastes of the night. Mr. Frank Hugh O'Donnell made a speech on each and every one of the many motions for adjournment, whether of the debate or of the House. Mr. Thomas Sexton spoke from five o'clock until twenty

minutes to eight. Neither the grey depression of the early morning nor the deserted benches had any effect on the amazing fluency and felicity of his oratory.

## CHAPTER LXIII

### MR. SPEAKER BRAND'S *COUP-D'ÉTAT*

AT a quarter to nine on Wednesday morning the Prime Minister and the Leader of the Opposition entered the Chamber together from behind the Speaker's Chair, and took their places on the opposing front benches to the right and left of the Table. They seemed bewildered and, indeed, somewhat terrified by this daring and exceptional display of obstruction by the Irish Members. Then a vague feeling spread around that something was about to happen, something of a startling nature, but unknown and unsurmisable; and the Chamber became rapidly filled with expectant and anxious Members.

Exactly at nine o'clock Mr. Speaker Brand appeared and relieved Dr. Lyon Playfair in the Chair. Mr. Biggar was speaking at the time. With a gesture of his hand the Speaker warned the Member of Cavan to his seat. At that great moment in the history of the House of Commons the Speaker seemed anything but an ominous or minatory personality. On the contrary, he wore a pained expression, and shook as if with apprehension. His hands trembled as he opened the roll of manuscript from which he was about to read the historic declaration that on his own responsibility he proposed to close the debate. For this action he had no authority under the Standing Orders, but it subsequently transpired that he had consulted not only the Prime Minister but the Leader of the Opposition, and was promised the support of both in taking upon himself the responsibility of stopping the discussion. "The dignity, credit, and authority of the House are seriously threatened," said he, reading his



MR. SPEAKER BRAND (VISCOUNT HAMPDEN)



manuscript in slow and solemn tones, "and it is necessary that they should be vindicated." He declared himself satisfied that he would best carry out the will of the House by declining to call upon any more Members to speak, and at once putting the question. Thereupon he put the amendment which the Irish Members had moved to the motion for leave to bring in the Coercion Bill. The numbers in the division were for the amendment, 19; against, 164;—majority for the Government, 145.

The Nationalists were taken aback by this sudden and unexpected turn of events. They had determined to keep the House sitting for the entire week rather than yield. It was obstruction unashamed. Yet so anxious were they to husband their resources that not a single man of their small band was lost by suspension. Parnell had just left the House for a few hours' sleep at the neighbouring Westminster Palace Hotel. Justin M'Carthy tried to speak when the original motion was put, but he was shouted down. Then the Nationalists filed out upon the floor shouting "Privilege! Privilege!" and, with a bow to the Speaker from each of them, quitted the Chamber. Leave to bring in the Bill was granted, and the Chief Secretary presented it, in the usual way, to the Clerk at the Table, amid tumultuous cheers from both sides of the House. At half-past nine o'clock the House adjourned, after a continuous sitting of 41½ hours, a record which stills remains unbroken.<sup>1</sup>

The Speaker's *coup-d'état* had been arranged with the approval of the two Front Benches twenty-one hours before it came off. Brand in his *Diary* says he came to the conclusion that it was his duty to extricate the House from its difficulty by closing the debate on his own authority. "I sent for Gladstone on Tuesday (1st February) about noon," he says, "and told him I should be prepared to put the question in spite of obstruction on the following conditions:—(1) That the debate should be carried on until the following morning, my object in this delay being to mark distinctly to the outside world the extraordinary gravity of the situa-

<sup>1</sup> *Parliamentary Debates* (3rd series), vol. 257, pp. 1748-2038.

tion, and the necessity of the step which I was about to take. (2) That he should reconsider the regulations of business, either by giving more authority to the House or by conferring authority on the Speaker." The Prime Minister agreed to these conditions, and to confirm them summoned a meeting of the Cabinet, which was held in the Speaker's Library at four o'clock that afternoon, while the House was sitting and Brand was in the Chair. "I had communicated, with Gladstone's approval, my intention to close the debate to Northcote, but to no one else except May, from whom I received much assistance," Brand continues. "Northcote was startled, but expressed no disapproval of the course proposed."<sup>1</sup>

In that fateful hour the whole spirit and character of the House of Commons underwent a complete change. The Parliament of old—quaint, archaic, conservative, taking no account of the vagaries of humanity—passed entirely away. Hitherto the primary and fundamental conditions of the working of Parliament were, in the first place, absolute respect for the Chair, and acceptance without question of its dignified admonitions and reproofs; and secondly, the general observance by Members of this great unwritten rule of parliamentary conduct—that public business must be accelerated, not only for the good of the Nation, but in the mutual interest of the two political Parties as they succeeded each other in office. But that halcyon situation came to an end when there appeared in the House of Commons an organized body of Members who recognized no loyalty to the spirit of the institution, but deliberately bent the ancient forms of procedure to a purpose for which they were never intended,—to impede, if not to defeat, public business with a view to the redress of grievances.

New rules and regulations were therefore necessary. They were introduced with all speed. The very next day Gladstone moved a resolution, which was carried, that if the House voted by a majority of three to one that the state of public business was urgent the Speaker should take such

<sup>1</sup> Extract from the *Diary of the Speaker*, quoted in *Morley's Life of Gladstone*, vol. 3, p. 52.



measures as he thought proper to expedite it. This regulation formally conferred on the Speaker the power which he had already usurped. The next step was to incorporate something of the kind in the permanent procedure of the House. In a special session, held in the autumn of 1882, new procedure rules were adopted under which the Closure became a part of the parliamentary machine. Obstruction thus brought about an immense augmentation of the powers of the Speaker. Parliament was, indeed, revolutionized; but it was thereby made more efficient for the work it is called upon to do as the greatest constitutional machine that has yet been constructed by man for the elevation and perfection of humanity, so far as that purpose can be achieved by legislation.

## CHAPTER LXIV

## MR. SPEAKER PEEL

AT the close of the session of 1883, Mr. Speaker Brand retired, and was made a peer with the title of Lord Hampden. He was succeeded by Arthur Wellesley Peel, the nominee of the Liberal Government.

Mr. Peel was but the third thought of Gladstone. The man whom the Prime Minister desired to see in the vacant Chair was the Solicitor-General, but Sir Francis Herschell declined the offer,<sup>1</sup> and just ten years later was presiding over the House of Lords as Lord Chancellor in Gladstone's second Home Rule Administration. Gladstone next turned to Mr. Goschen. He was a Member of Gladstone's first Cabinet in 1868, but on the return of the Liberals to power in 1880 he was not sufficiently in agreement with their political programme, especially the promised extension of the franchise to all householders in counties and boroughs alike, again to take office. Goschen would have been glad to be able to accept so high a distinction, but keenness of

<sup>1</sup> Lucy, "From behind the Speaker's Chair" (*Strand Magazine*, August 1896).

vision is essential in the Speaker, and unfortunately his eyesight was weak. There used to be a story told that, in order to test his vision, he took the Chair one day the House was not sitting, when a number of his colleagues scattered themselves over the benches on each side, below the Gangway; and as he failed quickly to identify them he made up his mind that he was physically unfit for the position. Sir Henry Lucy, in his *Sixty Years in the Wilderness*, prints a letter from Lord Goschen recounting why he failed to become Speaker. The rehearsal of the story did not, it seems, take place. But a famous oculist was sent for. He at first gave a favourable verdict. On reaching home, however, he wrote Mr. Gladstone a letter doubting the wisdom of the appointment. Says Lord Goschen:—

“Mr. Gladstone was annoyed, and thought Mr. Bowman had gone beyond the points on which he had been specially consulted, and wrote me that he had not altered his own opinion as to my fitness, but that I was now at liberty to claim my freedom. I at once stated that I could not, after such a letter, undertake the post; and, to tell you the truth, I felt a great sense of relief, not disappointment—for I had been half-hearted about the matter from the first.”

The credit of discovering Arthur Wellesley Peel is due, it is said, to Sir William Harcourt, Gladstone's first lieutenant for many years. It was generally agreed by all authorities who were intimately acquainted with the House of Commons during the last half of the nineteenth century, that Mr. Peel was the strongest of all the Speakers in that period. But when his name was first mentioned as the choice of the Government for the Chair, in February 1884, grave doubts as to his fitness for the post were expressed on both sides of the House. The old Tories murmured against his appointment, because it would mark a violent break in the old historical and personal associations of the Speakership. In the first place, Mr. Peel was not of the country gentry, to whom, whether Liberal or Tory, it was supposed the Chair of the House of Commons by traditional right

belonged. He did not even sit for a county constituency. He represented the borough of Warwick, to which he was first returned in 1865. Even at the opening of the last quarter of the nineteenth century the feeling still survived that to represent a county was socially as well as politically a higher distinction than to represent a borough. A county division was therefore regarded as the fitting seat for a Speaker, and for the representative of a borough to be elected to the Chair was of very rare occurrence indeed. More than that, Mr. Peel wore a beard; and it was looked upon as even a more violent departure from the ancient traditions of the Chair to elect a man who was not clean shaven. Indeed, it was suggested that Queen Victoria, who was a great stickler for tradition, was hardly likely to approve the appointment for the first time of a bearded Speaker.

Objections of more substance and reason were also raised. Mr. Peel was comparatively unknown in the House of Commons. He was fifty-five years old. Though he had been nearly twenty years in Parliament he rarely took part in the debates. He had served for a short term as under Secretary to the Home Department, under Sir William Harcourt. To that post he was appointed on the formation of the Liberal Government in 1880, but before the session was out he resigned on account of ill-health, and in his fitful attendance in the House, during the subsequent three sessions, he had sat on the back benches a silent Member, and was so retiring and unobtrusive that to the general body his appearance was unknown. Moreover, even this brief service in a subordinate place in the Administration then in power was brought up in judgment against him. So jealous is the House, as a whole, of the impartiality of the Speaker, that there has always been a desire that he should come to the Chair unspoiled by the dust of Party conflict. But there were some who, going beyond that proper feeling, took the unreasonable view that as Mr. Peel had been a Member of a Liberal Government he must necessarily always remain a political partisan. There were others, however, who rightly

thought that experience in office, which brings knowledge of affairs and men, was rather a qualification for the Speakership. Were there not several precedents of Speakers who had held Party positions before their elevation to the Chair even in the nineteenth century? Sir John Mitford was Attorney-General, Charles Abbot was Chief Secretary for Ireland, Manners-Sutton was Judge Advocate-General; Abercromby had sat in the Cabinet, and Brand had acted as Principal Whip. Nevertheless, the only qualification which some would admit that Peel possessed for the Chair was that he was the bearer of a great parliamentary name.

Peel's election took place on February 26, 1884. The fact that he found general favour only among the Liberals is indicated by the circumstance that, instead of being proposed and seconded by Members sitting on different sides of the House,—the almost invariable custom when there is only one candidate for the Chair,—his proposer, Mr. Whitbread, Member for Bedford, and his seconder, Mr. Rathbone, Member for Carnarvonshire, were both supporters of the Government.

But most of the doubts as to the fitness of Mr. Peel for the position were swept aside by the mingled gravity and dignity of his demeanour on being conducted to the Chair, by his striking presence as he stood on the dais, by the stately eloquence of the speech in which he returned thanks. "I know full well," said he, "what is the greatest attribute and ornament of the Chair." Then in the resonant and emphatic tones of that splendid voice, in which the House from that day took great delight, he went on in a swelling sentence:—

"I know how necessary it is for any man who aspires to fill that great office to lay aside all that is personal, all that is of Party, all that savours of political predilection, and to subordinate everything to the great interests of the House at large, to maintain not only the written law, but, if I may say so, that unwritten law which should appeal to, as it always does appeal to, the minds and consciences of the gentlemen of the House of Commons to promote and to

hand on unimpaired the traditions of this House; and over and above all its most cherished and inestimable traditions, —I mean that personal courtesy, that interchange of chivalry between Member and Member, which I believe to be compatible with the most effective Party debates and feelings, and which, I am sure, is one of the oldest, and I humbly trust may always be the most cherished, tradition of this great representative Assembly."

This address, so admirable in taste, temper, and tone, took the House by storm. The customary felicitations to the Speaker-elect were offered by Mr. Gladstone, as Leader of the House, and Sir Stafford Northcote joined in them as Leader of the Opposition. "In the eloquent and powerful words which you have addressed to us," said the latter, "we find additional confirmation, were it necessary, as to your personal character and ability." The right hon. gentleman's concluding sentences, however, seem to confirm the rumour of the Lobbies at the time, that if the Conservatives were returned to office at the next General Election they would select another Speaker. "If your nomination may be said to be due to the Ministry, or the Government of to-day," said Sir Stafford Northcote, "it has been, at all events, accepted generally by the House. Sir, it would ill become me, and it would not become the House itself, to anticipate the action of future Parliaments. But this I may safely say—that so long as you occupy the Chair you will receive, from all parts of the House, a full, an entire, and an undivided confidence."<sup>1</sup>

No attempt, however, was subsequently made to displace Mr. Peel from the Chair. He was opposed—as I have already recounted—when seeking re-election at the General Election of 1885; but was reappointed Speaker, without opposition, three times, namely, January 13, 1886; April 6, 1886; and August 4, 1892.

<sup>1</sup> *Parliamentary Debates* (3rd series), vol. 285, pp. 17-30.

## CHAPTER LXV

## THE MAINTENANCE OF ORDER AND DECORUM

**D**URING his first session as Speaker, occasions frequently arose for the exercise by Mr. Peel of his official powers and personal tact in the maintenance of order and decorum. Political feeling ran high, especially in reference to affairs in Egypt, and the discussions of the subject in the House of Commons were marked by unusual personal ascerbity. On March 15, 1884, Mr. Ashmead Bartlett moved a resolution on behalf of the Opposition, declaring that it would be highly discreditable to this country were the Government to abandon Khartoum and the Eastern Soudan to slavery and barbarism. It was a Saturday sitting, and the Government asserted that the arrangement between the two sides was that the day should be employed in discussing certain votes of supply rather than a motion which virtually amounted to a vote of want of confidence.

After a long and bitter debate the motion was defeated. Immediately after the division Sir Michael Hicks-Beach rose from the front Opposition bench and informed the Speaker that just before the numbers were announced by the tellers he heard Sir William Harcourt, the Home Secretary, say from his place on the Treasury Bench, "This dirty trick has not succeeded"; and he asked whether that was language which ought to be used in the House.

"Language of the kind described by the right hon. gentleman used publicly in this House would undoubtedly be a great breach of the privilege of the House," said the Speaker. "But I do not know under what circumstances the expression was used," he added, with caution and circumspection,— "whether it was used in private conversation, or to what it was intended to refer, or whether it was intended to be heard. I therefore wish to draw a distinction between words used in the confidence of private conversation and words used in a debate in this House. Perhaps the right



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hon. gentleman, the Secretary of State for the Home Department, will offer an explanation."

Sir William Harcourt, thus appealed to, said he would never have thought of using such an expression in public debate. "As to the expression of my own private opinion," he added, "to my own friends upon transactions of this character, I consider myself free." The Leader of the Opposition, Sir Stafford Northcote, said that the expression, whether used publicly or privately, conveyed an accusation which was altogether untenable; it gave pain to those against whom it was directed, and they would be guilty of the gravest dereliction of duty if they did not call attention to it. Thereupon Sir William Harcourt withdrew the expression, declaring his regret that what was intended to be private should have reached the ears of the right hon. gentlemen opposite and be regarded by them as offensive.<sup>1</sup>

It happened that on the next occasion the expression "dirty trick" was used in the House the Speaker had to call his elder brother, Sir Robert Peel, to order. The scene, which was watched with almost thrilling interest by the House, occurred on August 8, 1884. Sir Robert Peel complained that the report of the vote for the Irish Constabulary upon which he had intended to speak was taken late the previous night, although before he left at half-past eleven o'clock he had been told it would be postponed to another sitting. What followed is thus recorded in the parliamentary report:—

*Sir Robert Peel:* If the Secretary of State for the Home Department were here I would ask him what is the meaning of this—as he would call it—"dirty trick" (cries of "Order, order").

*Mr. Speaker:* I think that is an expression which should not be used, and I am sure the right hon. baronet will withdraw it.

*Sir Robert Peel:* It is an expression used by the Secretary of State for the Home Department himself.

*Mr. Speaker:* It is an expression which I thought, and said at the time, was an unparliamentary and improper ex-

<sup>1</sup> *Parliamentary Debates* (3rd series), vol. 285, pp. 1725-8.

pression—one which I hoped would never be used again, and it was withdrawn.

*Sir Robert Peel*: Oh, certainly, sir, certainly; if the right hon. gentleman withdrew, I shall at once withdraw and apologize to the House.<sup>1</sup>

In the course of the same session the Speaker came into conflict with the Members of the Irish Party on questions of order. On April 8, 1884, a debate on the subject of the Royal Irish Constabulary was raised by Mr. Parnell. In the course of a speech Mr. T. M. Healy, having referred to the death in gaol of a prisoner arrested for agrarian conspiracy, said: "He observed that the Chief Secretary (Mr. Trevelyan) was receiving with a smile his statement as to this young man's death. The right hon. gentleman might laugh; it well became his callousness." At this point Mr. Trevelyan interrupted with the indignant exclamation: "It is an absolute falsehood to say that I laughed at the death of the young man," which evoked cheers and loud cries of "Order." The Speaker rising at once, said that the remarks of the hon. Member for Monaghan (Mr. T. M. Healy) had reached such a high level of violence that he felt bound to interfere. He proceeded:—

"The hon. Member has charged Her Majesty's Government in language exceeding anything I have heard in this House. He has charged them with conniving at murder; and he has made a statement with reference to the Chief Secretary for Ireland which was couched in language which I conceive ought not to be used by one Member of this House to another. I can only warn the hon. Member that if this language is continued I shall resort to those powers with which the House has invested me to prevent what I consider a public scandal."

When the Speaker sat down amid the cheers of Members generally, Mr. Healy, quite unabashed, rose and said he had thought the object of the Speaker's interposition was to reprove the Chief Secretary for having made an accusation of falsehood against a Member of the House. "The Hon.

<sup>1</sup> *Parliamentary Debates* (3rd series), vol. 292, pp. 276-8.

Member," said the Speaker sternly, "is not entitled to enter into an argument with the Chair. I have simply done my duty." Then the Attorney-General, Sir Henry James, explained that the smile of the Chief Secretary, which irritated the hon. Member for Monaghan, had really been caused by a remark which he had made to him in conversation. Mr. Healy said he was satisfied that the Chief Secretary had not been laughing at him; and the Chief Secretary apologized for having made use of an unparliamentary expression. But the incident was not to end in this amicable way. The hon. Member for Monaghan, as the following extract from the report shows, persisted in airing his grievance against the Chair:—

*Mr. Healy:* Now, Mr. Speaker, I beg to ask your ruling as to whether the statement of the Chief Secretary was in order or not? I have respectfully urged you to give your ruling, and you have not deigned to do so ("Order, order"). You have ruled when you were not called upon—"Order, order"—with regard to my general language; and now I wish to ask whether the Chief Secretary was in order in using the language that he did?

*Mr. Speaker:* I understand the Chief Secretary has withdrawn the expression he used on the understanding that the hon. Member withdraws the expression he used also (cries of "Rule"). I did express myself—not, I think, too strongly—in terms of strong reprobation of the course which had been pursued during several minutes by the hon. Member. I thought the language he made use of exceeded in violence anything I have heard while I have been in the Chair, and demanded the reprobation of the Chair, and I took upon myself to warn the hon. Member in moderate terms, that if language of this kind was repeated I should be obliged to take serious notice of it, and to exercise those powers with which I am vested. I shall not take any further notice of the matter. I regard the point of order as settled.

*Mr. Healy:* I am glad you have settled the point of order to your own satisfaction. (Cries of "Order" and "Name him.")

*Mr. Speaker:* The language of the hon. Member is not

respectful to the Chair, and is not respectful to this House. I hesitate to name the hon. Member. I am very unwilling to exercise the powers entrusted to me, or to appear to act with anything like precipitancy. But I warn the hon. Member that this sort of language will not be tolerated.<sup>1</sup>

Another Irish scene occurred on November 5, 1884, which further illustrates the determination and resource of Mr. Speaker Peel in dealing with insubordination. Frank Hugh O'Donnell attacked the Government for their opposition to a Bill relating to the Poor Law in Ireland, which was introduced by the Nationalists, and was twice called to order by the Speaker for irrelevance, the question before the House being the adjournment of the debate. The hon. Member thereupon asked whether he was not to be allowed to use arguments in support of the views of the Irish Members concerning the Bill.

*Mr. Speaker:* That is not the question. The hon. gentleman has again travelled from the question. I am to judge as to whether the hon. Member is, or is not, confining his remarks to the question; and if the hon. gentleman deviates, in my opinion, from the question it is my duty to tell him so. I have already twice told him that he is diverging from the question.

*Mr. O'Donnell:* I am absolutely convinced that I was bringing forward arguments in support of the plea that this Bill be not adjourned; and I respectfully protest (cries of "Order")—I respectfully protest—

*Mr. Speaker:* Order, order!

*Mr. O'Donnell:* Sir, I respectfully protest against your interference with the legitimate course of the discussion ("Order, order!").

*Mr. Speaker:* I must call upon you to resume your seat, on account of the irrelevancy of your observations to the question before the House.

*Mr. O'Donnell:* Mr. Speaker, sir, I protest. I would say—(cries of "Order!").

*Mr. Speaker:* Again I must call upon you to resume your seat.

*Mr. O'Donnell:* Sir, I wish to protest against this use

<sup>1</sup> *Parliamentary Debates* (3rd series), vol. 287, pp. 91-8.

of the power of calling on Members to sit down when using legitimate arguments, and thus stop their observations ("Hear, hear," and "Order"). And as you have taken that step I wish you to—(cries of "Name him!").

*Mr. Speaker:* I have twice—three times—called the hon. Member's attention to the fact that his observations were not relevant, and that he was wandering from the subject of the debate—

*Mr. O'Donnell:* I was not. I was not.

*Mr. Speaker:* I did so in terms which are before the House. You have not thought proper to pay any attention to my ruling (Ministerial cheers); and I now name you, Mr. O'Donnell, as disregarding the authority of the Chair.

Mr. Gladstone, as Leader of the House, then moved, in accordance with the Standing Order, that Mr. O'Donnell be suspended from the service of the House. As the hon. Member was leaving the Chamber, before the division on the motion, he said, addressing the Speaker: "You have played an unexpected part, Monsieur le President." The motion was carried by 163 votes to 28.<sup>1</sup>

Once the Nationalists attempted to arraign Mr. Speaker Peel before the House. The procedure adopted was not that of a vote of censure, but that of a motion for the adjournment of the House. On March 3, 1885, Mr. Thomas Sexton asked for leave to move the adjournment of the House, for the purpose of calling attention to "a definite matter of urgent public importance"—the form of words always employed in such a motion—namely, the course of action pursued by Mr. Speaker during the sitting of the House on February 24, 1885. On that day the Irish Members protested against a resolution moved by Gladstone as Leader of the House, postponing all notices of motion until an adjourned debate on Egypt and the Soudan was concluded, as they had secured by ballot the opportunity for the discussion of an Irish question. In the course of the debate on the resolution the Speaker silenced Mr. William Redmond on the ground that his speech was irrelevant, applied the Closure rule by putting the question,

<sup>1</sup> *Parliamentary Debates* (3rd series), vol. 293, pp. 1035-7.

as he considered that the subject had been adequately discussed, and "named" Mr. William O'Brien for disregarding the authority of the Chair by crying out "We will remember this in Ireland," for which the hon. Member was forthwith suspended.

Mr. Sexton's motion declared that these actions of the Speaker constituted a "danger to the constitutional rights of Members of this House to speak and vote." Under the Standing Orders a motion of this kind for the adjournment must not only have the support of forty Members, who stand up in their places at the call of the Speaker; but the Speaker, if he thinks fit, may not permit it to be discussed at all, for the reason that in his view it is not a matter of urgency. In this instance Mr. Speaker Peel declared he would take upon himself not to allow the motion to be submitted to the House. "It is my duty," he said, "to respect the rights of every hon. Member of this House, but in common with all other Members of the House I have my rights, and my right is that if my conduct is impugned it should be impugned by a direct appeal to the House upon notice of motion, properly given, when a direct issue would be laid before the House, and an amendment be moved which shall test the judgment of the House."<sup>1</sup>

## CHAPTER LXVI

### ATTACKS ON MR. SPEAKER PEEL

**B**UT though the Speaker can only be criticized in the House by means of a direct vote of censure, and any attack upon him outside, in the Press or on the Platform, is liable to the pains and penalties of a breach of parliamentary privilege, the rulings and decisions of Mr. Peel did not escape animadversion. Three accusations of partiality in the administration of the Closure which were made against him outside the House of Commons by the same Member of the House are noteworthy.

<sup>1</sup> *Parliamentary Debates* (3rd series), vol. 294, pp. 1912-17.

It was the famous episode of 1881, when Mr. Speaker Brand, though not entitled to do so by the rules, stopped the proceedings on the Crimes Bill, which, as I have already explained, led to the introduction of the Closure, or the "gag," as it is called by the "Outs" when it is applied to them by the "Ins." The rule as originally carried empowered the Speaker to terminate a debate when it appeared to him that the subject had been adequately discussed, or that it was the evident sense of the House that the question should be put. But as the Closure was inoperative unless it was supported by 200 Members if opposed by 40, or by 100 Members if opposed by less than 40, the Speaker shrank from the risk of having his decision flouted, and accordingly the rule was rarely applied. It was amended, however, in 1887. The initiative of the Chair was taken away, and the responsibility of moving the Closure was transferred to the Minister, or, indeed, to any private Member. Moreover, it is put into force if carried by any majority. But by whomsoever the Closure may be moved, it is in the discretion of the Speaker to refuse to put it to the House if he thinks its application is not justified.

Friday, April 1, 1887, was the fifth night of the debate on the motion of Mr. Balfour, Chief Secretary for Ireland, to bring in a Bill "to make better provision for the prevention and punishment of Crime in Ireland." At half-past two o'clock in the morning Mr. W. H. Smith, the Leader of the House, moved the Closure,—“That the question be now put,”—and it was accepted by Mr. Peel. As Gladstone walked down the floor, leading the Liberal Opposition into the "No lobby," the Nationalists jumped to their feet and applauded him enthusiastically, and mingled with their cheers were resentful cries directed against Mr. Peel, such as "Where are the rights of the minority?" and "Down with the Speaker!"

Sir Edward Russell, editor of the *Liverpool Daily Post*, who was in Parliament at the time, relates that the Liberal Leader was deeply grieved by Peel's action in applying the Closure. "During the division on the Closure," says Sir

Edward Russell, "somebody went up to him in the Lobby to speak to him about something else. Mr. Gladstone said: "Don't talk to me about anything else, Ireland, coercion—anything. The Speaker has hit me under the fifth rib."<sup>1</sup> The Closure was carried by a majority of 108. Then as the Speaker rose to put the question, that leave be given to bring in the Crimes Bill, Gladstone, as a demonstration of protest, left the Chamber, followed by the Liberal Opposition and the Nationalists, still giving vent to their indignation against the Chair, as well as against the Government, and the motion was agreed to unchallenged.

On the following Monday morning *The Times* published a speech by Mr. Conybeare, a Radical who sat for Camborne, made at a meeting held in London for the purpose of organizing a public demonstration against the Crimes Bill. Mr. Conybeare said there could be no possible excuse for the Speaker in accepting the Closure. "The Speaker was no longer an impartial President of the House of Commons," he continued. "He had descended from his high position, and become an ally to one Party in the House, and that the most tyrannical." When the House of Commons met that afternoon, Mr. Henry Chaplin called attention to the speech, and asked the Speaker whether it was not a breach of privilege. Mr. Peel replied that the speech was unquestionably a matter affecting privilege, but whether or not it was a breach of privilege rested with the House to decide. He went on to say that he could afford to pass over any imputations intended to be cast upon him by the hon. Member, but the matter was graver than that, for it was a reflection upon the House through its elected Speaker. In tones of impressive dignity, and yet with an undercurrent of deep personal feeling that was unmistakable, he thus concluded:—

"I can understand in the present heat of Party feeling, when men's passions are aroused, words escaping hon. gentlemen which in their cooler moments they would repudiate. I hope that the words of the hon. Member were not premeditated or deliberate. I can only say that it is my

<sup>1</sup> Russell, *That Reminds Me*, 96.



wish, as it is my duty in the Chair, to allay Party feeling if I can (an ironical cheer from a Home Rule Member)—yes, if I can—notwithstanding the sneer of the hon. Member—to allay any heat or passion in this House. But it is a strange thing, indeed, that within a few weeks after I have been invested with an absolute discretion by a Standing Order passed by the House of Commons, as to whether I shall give or withhold my assent to a motion for closing debate—it is, I say, a strange, and I hope it is an unprecedented, thing that an hon. Member of this House should think it becoming in him to charge me in the action I took with having thereby become a partisan of either the one side of the House or the other. I shall say no more to the House of Commons, because I wish, if possible, to calm down any personal feeling. I will only add this, that I am content to leave my conduct in this Chair to the judgment of every fair and right-minded and honourable man.”

Mr. Conybeare then spoke. He neither adopted nor disclaimed the language attributed to him. Notice that the question would be raised had not been given to him until he entered the House he said, and therefore he had had no opportunity of seeing the newspaper report. But if it were found accurately to represent what he had said, and appeared to convey a reflection upon the Speaker “as the occupant of the Chair,” he would most fully and humbly express his regret. He went on to say that he regarded the matter as a grave constitutional question, and had spoken with a full consciousness of the gravity of the situation. His interpretation of the Closure rule was that it should be employed solely against obstruction, and he argued that there could not have been obstruction in a matter which was supported “not by a mere handful of Members,” but by Gladstone, “the oldest and most respected Member of the House,” and the whole of his Party, as well as by the Irish Members led by Parnell.

Mr. W. H. Smith followed with a tribute to the Speaker’s perfect impartiality, and to the absolute confidence which he commanded. Neither Gladstone nor Sir William Harcourt were present on this occasion. It fell to Mr. John Morley to repudiate, on behalf of the Opposition, any imputations upon

the Chair, and to express their opinion that the Speaker used his position and authority rather to calm down Party passions than to inflame them. As it was presumed that Mr. Conybeare had apologised for his speech, or had modified it or explained it away, the subject was then allowed to drop.<sup>1</sup>

In the following session Mr. Conybeare made a repetition of the same charge against the Speaker in a letter to a London newspaper. On July 19, 1888, the House was debating the second reading of the Bann Drainage Bill, introduced by the Chief Secretary for Ireland. Mr. Conybeare opposed the measure on the ground that, as it tended principally to the benefit of the landlords of a particular district, it should be undertaken by an Irish Administration representative of and responsible to the Irish nation. Just at midnight, when opposed business came to an end, but before Mr. Conybeare had finished his remarks, the Closure was moved and carried. Subsequently, on the usual motion for the adjournment of the House, Mr. Conybeare sarcastically asked that the Bill, when next proceeded with, should be taken at a convenient hour, so that he might have the opportunity of continuing and concluding his observation without fear of interruption by the Closure. "He had no hesitation in saying," he added, "that the Closure was, under the circumstances, simply a public scandal."

"Order, order!" cried the Speaker,— "the remark that the hon. Member has just now made must be withdrawn." "Mr. Conybeare, speaking in a low voice," says the report in the *Parliamentary Debates*, "said 'I withdraw the remark.'" The Speaker did not hear the submission of the hon. Member, for he "named" him for disregarding the authority of the Chair. It was then pointed out to the Speaker by some Liberal Members that Mr. Conybeare had withdrawn the expression. "I did not so understand him," said the Speaker, "but I accept his word most unreservedly." "I said, sir, most distinctly that I did withdraw," Mr. Conybeare declared. "Then I accept at once the

<sup>1</sup> *Parliamentary Debates* (3rd series), vol. 313, p. 371.

statement of the hon. Member," said the Speaker apologetically.

On the following day Lord Randolph Churchill called attention to a letter which appeared in *The Star*—an evening newspaper published in London—over the name of the Member for Camborne, and headed "Mr. Conybeare and the Speaker," with a view to moving that it was a breach of privilege. The letter, which was read by the Clerk, contained the following passages :—

"I had spoken but a quarter of an hour when one of the Tory rank and file moved the Closure, and the Speaker, who is supposed to exercise his discretion impartially for the protection of the minority, at once put the question. Such a proceeding I stated later on was nothing short of a public scandal; and although, in obedience to the rules of parliamentary decorum (which require that a Member should not, by passing a reflection on the Speaker, reflect upon the whole House), I withdrew the expression when called upon to do so. I have not the slightest doubt but that every Radical outside the House (as are most of those within it) is of the same opinion. For here is a Bill deliberately handing over vast sums of English money as a gift to Irish landlords, and we English, Scotch, and Welsh representatives are not to be allowed even half an hour's debate as to whether it is a justifiable proceeding or not. The Government says you shall not debate the matter, and Mr. Speaker backs them up. I hope every elector in the Speaker's constituency will be careful to mark his conduct."

Then came a paragraph which Lord Randolph Churchill, —in moving subsequently that the letter was "a gross libel upon the Speaker of the House of Commons, and deserves the severest condemnation of the House"—characterized as the gravest in the document, and as one "utterly at variance with every sentiment of gentlemanly honour." It runs :—

"As I may be blamed for withdrawing my description of the proceeding, I may add that I did it deliberately, for the following reasons :—

"1. The withdrawal of an unparliamentary expression does not do away with the effect produced by using it. Nor does it imply any alteration of a deliberately expressed opinion. It remains on record.

*"He gloss' homomock', he dē phren anomatos.*

"2. Suspension from the House would do no good to any one except by pleasing the Tory Government, who would be delighted to be rid of a very uncomfortable thorn in their side.

"3. My desire and my duty being to prevent the passing of those objectionable Bills, I should simply have forwarded the plans of the Government, and defaulted in my duty to my constituency, had I caused myself to be suspended for a week."

Mr. Conybeare made no statement beyond admitting that he wrote the letter, and in accordance with the usual custom, when the conduct of a Member is impugned, he withdrew from the Chamber while the matter was under discussion.

The Speaker then said that though he was not bound to state the reason why he had accepted the Closure, he thought it due to the House to do so. He understood that no Irish Member wished to speak on the Bill, or had any objection to it, but in any case opportunities for the expression of views would be afforded on the subsequent stages of the measure. Mr. William Redmond, who next spoke, declared that if the Closure had not been accepted the Irish Members would have taken part in the debate. In the course of the discussion which followed it was intimated that Mr. Conybeare desired to retract one part of his letter. "My hon. friend," said Mr. Labouchere, "has just sent me a note in which he says he has been considering the matter, and that, so far as paragraph No. 1 is concerned, as it was open to a construction not at the time he wrote it intended by him, and suggested that he was ready to depart from his word, he withdraws it, and regrets the expression." In the end the House decided by 245 votes to 168, or a majority of 77, that the letter was a gross

libel on Mr. Speaker, deserving the severest condemnation of the House; and Mr. Conybeare was suspended from the service of the House "for the remainder of the session, or for one calendar month, whichever should first terminate."<sup>1</sup>

In 1893, Mr. Conybeare came again into conflict with Mr. Speaker Peel, and as on the two previous occasions the hon. Member impugned the conduct of the Chair in regard to a motion for the Closure. It was in the heat of the session, when Gladstone's second Home Rule Bill was slowly and laboriously making its way through Committee. On July 3 the *Daily Chronicle* published a letter from Mr. Conybeare animadverting on the refusal of the Speaker to accept a Closure motion which he had moved at half-past three in the morning. It contained this passage:—

"Another, not insignificant, advantage I gain by it—namely, that it called pointed attention—which the Speaker's curt severity only emphasized the more—to the contrast between his treatment of the Tory majority under the parallel circumstances of June 10, 1887. But then, of course, a Liberal Home Rule Bill is not to be compared with a Tory Coercion for ever-and-ever Bill. I believe I moved the Closure at nearly the same hour at which it was accepted by the Speaker on the historic occasion of the 1887 precedent."

The attention of the House was called to the letter, on July 4, by Mr. Tritton, the Unionist Member for Lambeth.<sup>2</sup>

The Speaker, addressing the House, maintained that his action in refusing the Closure actually led to a friendly arrangement between the two sides of the House. He deprecated any severe declaration on the part of the House which it might possibly be willing to take regarding the writer of the letter, and added: "My only course is to leave my conduct to the judgment of calm-thinking and fair-minded men."

Gladstone, as Leader of the House, said he attached the

<sup>1</sup> *Parliamentary Debates* (3rd series), vol. 329, p. 48.

<sup>2</sup> *Ibid.* (4th series), vol. 14, pp. 820-25.

greatest weight to the recommendation proceeding from the Chair, and thought it would be wise if the House would act in accordance with it. He added, however, that at the same time there ought to be no doubt as to the universal sentiment which prevailed in the House in regard to the impartiality of the Chair. Mr. Balfour, the Leader of the Opposition, spoke in similar tones. Mr. Tritton accordingly did not proceed with the motion which he had intended to submit to the House.

Mr. Conybeare, who had been unavoidably absent on this occasion, attended in his place on July 7, and claimed the indulgence of the House to make a personal explanation. He contended that the Speaker was a public authority and a public servant, and it was outrageous that any public servant should be superior to the criticisms of the public press. He proceeded to say that his letter was not a charge of partiality against the Speaker, but a suggestion of an error of judgment in that he had attributed to the passage of the Coercion Act of 1887 greater importance than to the passage of the Home Rule Bill, and that the acceptance of the Closure of 1887 and its refusal on this occasion had suggested that in the view of the Speaker the Opposition of 1887 was obstructive, while the present Opposition was not.

Mr. R. T. Read (afterwards Lord Chancellor Loreburn) on a point of order, asked whether in making a personal explanation Mr. Conybeare was not confined to explaining his personal conduct, whereupon the Speaker, speaking with some warmth, said :—

“Yes ; but I do not altogether choose to sit quiet under the fresh imputations of the hon. gentleman. All I can say is that if the doctrine he has laid down is accepted by this House, I would not consent to occupy this Chair for twenty-four hours.”

Gladstone then moved that the letter constituted a breach of the privileges of the House, and this was seconded by Mr. Balfour. Mr. T. M. Healy appealed to Mr. Conybeare to express regret for the pain he had evidently caused the Speaker. Mr. Conybeare, responding to the appeal, said

he had no intention of inflicting any pain on the Speaker. He proceeded: “I do unreservedly state my regret to Mr. Speaker, adding that I acted in the way that I did in the belief that I was maintaining a public principle.”

The hon. Member then withdrew from the House. Mr. Chamberlain protested against the use of the word “pain.” He submitted that the Speaker had not shown “pain,” but natural indignation at a gross offence. Gladstone, on the ground that the withdrawal by Mr. Conybeare was not “a frank, intelligent, and complete apology,” moved “that Mr. Conybeare be suspended for one week from the services of the House.” Mr. Balfour seconded the motion. On the suggestion of Mr. Sexton there was an interval of a few minutes, during which Mr. Samuel Storey (then one of the foremost Radicals in the House) left the House and returned with Mr. Conybeare, who, reading from a written statement, said: “I desire to express my unqualified regret for the publication of any expressions reflecting on Mr. Speaker. I withdraw them.”

In the circumstances Gladstone desired to withdraw his motion for the suspension of the honourable Member. At this there was some demur on the part of the Opposition, as the apology only referred to the “publication.” Mr. Balfour, however, while regretting that Gladstone desired to withdraw his motion, advised his friends not to force a division, and the motion was then dropped.<sup>1</sup>

## CHAPTER LXVII

### “ON THE POUNCE”

MR. PEEL'S conception of his duty as Speaker was fundamentally serious and earnest. It could not well be otherwise in so grave and austere a personality. His aim obviously was to preserve and hand on undiminished to his successors the solemnity with which the

<sup>1</sup> *Parliamentary Debates* (4th series), vol. 14, pp. 1094-1111.

centuries have invested the Chair; and his ceremonious bearing as President of the House of Commons was equalled by the firmness of his control and guidance of the debates.

Indeed, the whole demeanour of Mr. Peel in the Chair was, in its severe dignity and loftiness, its somewhat melancholy pride of isolation, eminently calculated to command deference and respect. He was tall and spare of stature in his flowing silken robe. The face that looked out from the heavy grey wig was long and narrow, rather dark in complexion, and terminated in an iron-grey beard closely trimmed. It was a grave face, and the keen, peremptory eyes under prominent brows emphasized the predominantly strong, simple, and righteous expression. In truth, Mr. Peel looked what he really was—one of the most masterful Speakers that ever presided over the House of Commons. He dominated the Chamber with his stately presence, his austere features, his searching and inflexible glance, and his voice, in which there was something of the silver and arresting tone of the clarion.

He never tolerated anything which, in his opinion, derogated in the slightest degree from the authority and dignity of his office, for which he had himself so deep and reverential a regard. Once he had occasion to call Parnell to order with some show of severity. Later on the Irish Leader happened to be passing by the Chair, on his way to the division lobby, and, without meaning to be rude or to reflect on Mr. Peel's decision, he said: "I think, Mr. Speaker, you were rather too hard on me just now." Mr. Peel instantly exclaimed in a voice tense with indignation, but low, and yet loud enough for the reproof to be heard by Members who happened to be near the spot: "How dare you! How dare you say that to me!" The hot words seemed to imply that if Parnell was a dictator in Ireland he must not attempt to approach the Speaker of the House of Commons with any seeming lack of due respect and decorum, or in any way to fall short of the deference to be paid to the rank, the dignity, the authority, and ancient prestige of the Chair.

In a different way Mr. Peel showed his mettle in an



encounter with Sir William Harcourt. He called the right honourable gentleman to order for irrelevancy. The right honourable gentleman was generally of a genial disposition ; but he had a quick and warm temper, and when thwarted was disposed to be hasty in showing his irritation. At any rate, he paid no heed to the Speaker's reminder that he was straying from the question before the House. “Order, order,” said the Speaker in a more decisive tone. Then Sir William Harcourt turned an angrily flushed face on the Speaker, and brusquely insisted that his remarks were quite to the point. “Order, order,” said the Speaker in reproving tones,—“the right honourable gentleman is now arguing with the Chair, which cannot be permitted.” Sir William Harcourt wisely swallowed his indignation, and changed the tenor of his remarks.

The tone in which Mr. Peel gave expression to the warning cry of “Order, order” was varied to suit the special circumstances of each case. When the Member addressing the House offended against any of the rules unwittingly there was a gentle persuasive note in the voice of the Speaker. The well-meaning Member, disposed withal to take liberties, was pulled up in a half-deprecatory tone of protest. But the Speaker was all anger and relentlessness in the case of a deliberate breach of the rules of decorum, or an impertinent and perverse trifling with the House, or blustering arrogance and defiance on the part of a Member. He showed himself, on such occasions, a terrific upholder of order by sweeping down on the offending Member in clouds of wrath. Nothing could be more sharp and peremptory than his cry of “Order, order,” and, delivered in a manner most expressive of indignant displeasure and stern rebuke, it usually silenced the most turbulent.

As he vigilantly followed the speeches in a debate, he seemed to be most sensitive to the slightest indication of the approach of a disturbance. It was easy to tell by his physical restlessness in the Chair, and the mentally disquieted look on his face, when he anticipated a breach of order. “You are too much on the pounce,” said an angry

Irish Member—Mr. Edward Harrington—once, smarting under his reproof. The remark was disrespectful, but it was highly graphic. "On the pounce" just expressed the attitude of Mr. Peel, sitting on the edge of the Chair, anxious and impatient, his hands grasping the arm-rests, a look of pain and displeasure on his face, and leaning forward in a crouching attitude ready to swoop at the proper moment, swiftly and sternly, on the offender and nip the incipient disorder in the bud. It cannot be said that he had a perfectly equable and imperturbable temper. At times he was perhaps too authoritative and impulsive, and many a Member who felt that his rebuke was unwarranted or too severe was disposed to show resentment. He suffered much while in the Chair from a varicose vein. It was an unpleasantly familiar sight to see the right leg of the Speaker stretched on supports, and his drawn and harassed expression of face during the long sitting.

The half-hour's release, between 8 and 9 o'clock, then given to the Speaker—during which the proceedings were suspended—was usually spent by Mr. Peel in reclining on a sofa with the painful limb in a position of welcome but brief ease. This was the cause, no doubt, of the irritableness which he sometimes displayed in the Chair.

Infringements of order were really a sore personal grief to him. Essentially a man of supreme rectitude of mind, possessed of a great ideal as to the office that he filled and its responsibilities, he felt deliberate breaches of the rules as a personal insult, and therefore meted out to the offenders a full measure of personal resentment. I remember the terrific spectacle he presented on an occasion when a single cry of "Shame" came from the Irish benches in relation to one of his rulings. He sprang from the Chair, trembling with indignation, and shouted towards the unknown culprit in the crowd below the Opposition Gangway, "That is a shameful expression for you to use." The nervous twitching of his face, its fierce and resolute expression, showed how deeply he was stirred by what he regarded as the folly and wickedness of the exclamation. But few allowed his

imperious displays of temper, natural in one so high-strung and emotional, to weigh against his fearless resolution to preserve the order and decorum of the House of Commons, and his noble anxiety that the great traditions of the Chair should suffer no damage or depreciation in his day.

## CHAPTER LXVIII

## THE NIGHT OF THE BRAWL

THE most splendid exhibition of Mr. Peel's influence and authority took place on a night the record of which would have otherwise disgraced irretrievably the annals of the House of Commons. It was the night of the brawl in Committee on the Home Rule Bill of 1893.

On July 27 the House was in its forty-seventh sitting—and the last—in Committee on the Bill. At 10 o'clock, in accordance with the Closure resolution, the "guillotine" was to fall and bring the proceedings to an end. Mr. Chamberlain rose, at a quarter to the hour, with the evident intention of giving emphasis to the closing scene by a philippic against the Government. He dwelt upon the many changes which Gladstone had made in the Bill in order to win support or disarm opposition. All these surrenders had been accepted by the docile followers of the Government. "The Prime Minister calls 'black,' and they say 'it is good'; the Prime Minister calls 'white,' and they say 'it is better,'" said Chamberlain in his concluding sentences. "It is always the voice of a god. Never since the time of Herod has there been such slavish adulation."

A roar of angry protest against the allusion to Herod rose from the Government benches. "Judas!" cried Mr. T. P. O'Connor, and the execrable name of the arch-traitor was taken up and shouted by the excited Nationalists. The Chairman of Committees (Mr. Mellor) put the question, and as Members began to leave their places to go to the division

lobbies Mr. Logan, a Liberal, crossed the floor and sat down defiantly in the accustomed seat of the Leader of the Opposition, Mr. Balfour, which at the moment was vacant. The Unionist Members sitting behind, among whom Mr. Hayes Fisher and Mr. George Wyndham were conspicuous, resenting this intrusion, seized Mr. Logan by the shoulders and pushed him out of the seat.

As a spectator of the scene from the Reporters' Gallery, I noticed, while this incident was proceeding, Mr. T. M. Healy rise from his corner seat below the Gangway and endeavour to force his way behind the front Opposition bench, with the obvious intention of going to the aid of Mr. Logan, but he was stopped by Mr. Gibson-Bowles, who was sitting at the corner of the second bench. At the same moment most of the other Nationalist Members, now on their feet, moved towards the Gangway. It was uncertain whether they were bent on supporting Mr. T. M. Healy by physical force, or were peaceably on their way to the division lobby. Probably they were differently actuated, some being eager for the fray and others intent only on overwhelming their opponents by their votes. At any rate, Colonel Sanderson, the leader of the Irish Unionists, who occupied the corner seat of the third bench above the Gangway, was convinced their intentions were hostile, and, striking out with his clenched fist, he dealt Mr. Michael Austin, the Nationalist, who happened to be nearest to him, a severe blow on the face. Immediately he was himself struck by Mr. Crean, another Nationalist.

All was now confusion and tumult around the Gangway dividing the Nationalist from the Unionist benches on the Opposition side. A mist seemed to hang over this quarter of the House,—no doubt it was but in the eyes of excited spectators,—and through it could be seen swaying figures and angry gestures, as if a general brawl was in progress. The strangers in the crowded public galleries sprang to their feet and leaned forward, eager to see what was the cause of the angry cries and exclamations, and those in the front rows, observing what appeared to be a free fight on the floor,

expressed their indignation in hisses. I noticed that Gladstone not only averted his gaze, but with a perturbed expression of face reclined on his side along the Treasury bench, so that the Table might the more effectually hide the horrid business from his view. Happily, it was not so violent a scene as it appeared, or as it was described in some of the newspapers the next morning. One account declared, with a touch of humorous exaggeration, that when order was restored the floor was found to be strewn with scarf-pins and artificial teeth. Those who lost self-control and applied physical violence to each other were few in number. Most of the struggling Members, Nationalist and Unionist, were really peacemakers endeavouring to restrain and calm their more pugnacious colleagues.

The Chairman of Committees, in obedience to the cries of the House, sent for the Speaker. It was universally felt that at such a critical moment the place at the helm must be yielded to that dominant personality. He alone could bring back calm to the passion-tossed assembly; he alone could soothe the ruffled nerves of Members. It was for him also to mete out punishment to the offenders as he thought fit. A minute or two elapsed before Mr. Peel appeared. In that short pause the deepest silence prevailed. Members were engrossed in speculating on what had happened and on what the Speaker was likely to do. I am disposed to think that most of them expected to find in Mr. Peel a rigid attitude of severe repudiation of their conduct. At last the tall gaunt form of the Speaker, in wig and gown, appeared from behind the Chair, and there arose from all parts of the Chamber a loud shout of greeting in which deep relief was expressed, and angry resentment by each side of the other, as well as devotion to this strong man, and confidence that the evil which had happened would now be set aright.

The cheers were prolonged as the Speaker stood on the platform of the Chair facing the House. He did not present the stern and relentless front to which Members were accustomed in times of disorder, and which they expected to see emphasized at this moment of unutterable

shame. He had laid aside even that austerity and remoteness which were habitual with him on ordinary occasions. I thought he looked strangely soft and benignant. He was at once dignified and gentle, with a simple and yet noble seriousness. Not a hard word had he to say. His voice, in asking for explanations of what had happened, was quite caressing. At once recriminations broke out. Each side endeavoured to put the other in the wrong. But soon the Speaker interposed in the spirit of paternal expostulation with an appeal to the better nature and finer instincts of the House. He expressed the hope that "in the interest of debate, and in the higher interests of the character of the House," Members would "allow the regrettable incident to pass into oblivion," and would proceed with the rest of the business of the evening "in a manner which would do honour to the traditions of the House, and would not allow any enemy of our constitution to rejoice." Like a parent, wise as well as fond, dealing with a fractious child in a brain-storm, he laid a calming hand on the troubled brow of the House and gently soothed it. And the House responded to the caress. It became subdued and humbled, and full of the spirit of reconciliation and atonement. Truly, a striking manifestation of the force of personality and tact.<sup>1</sup>

## CHAPTER LXIX

### MR. PEEL'S GOOD-BYE

THE House of Commons met on April 8, 1895, to hear from Mr. Peel himself the announcement of his resignation, which had been anticipated so far back as March 9 in the "Political Notes" of *The Times*. The Chamber was thronged. Members of all sections of the House were sincerely and deeply stirred by the thought that they were about to lose their great Speaker—that they would see no more his grave and dignified person-

<sup>1</sup> *Parliamentary Debates* (4th series), vol. 15, pp. 723-33.

ality in the Chair, and hear no more the measured and resonant voice calling them by name and putting the question for their decision. The scene for its striking impressiveness takes really a high place among memorable parliamentary incidents. It was charged with genuine sorrow, a feeling that is but rarely displayed in the House of Commons.

As Mr. Peel rose from the Chair to make his announcement all the Members silently greeted him by taking off their hats. Standing on the dais in wig and gown, pale and erect, with his arms folded, he spoke for just ten minutes slowly and deliberately in a voice that was clear and ringing, but yet showed signs of deeply felt if strongly suppressed emotion. The speech was of grave and measured eloquence, and, like all his utterances from the Chair, felicitously said the proper word and touched the right chord. Considerations of health which he could not overlook had obliged him to come to the decision to resign, a decision adopted after deep deliberation and with the utmost reluctance. He had passed through many sessions, some of storm and stress, others of comparative, but only of comparative, repose.

"If during that time," said he, "I have given offence to any one Member, or more Members, or to any section of the House, I hope that an Act of Oblivion may be passed (cheers). If I have ever deviated from that calm which should characterize the utterances of the occupant of this Chair, I hope every single Member of the House will believe me when I say that I have never been consciously actuated by any personal or political feeling (loud cheers)—and that in all I have done and said, I have at least, according to my poor judgment, tried to consult the advantage and the permanent interests of this Assembly (cheers)."

In his concluding passages he said:—

"Finally, let me say a few parting words in conclusion; and I wish to speak, not with the brief remnant of authority which is still left to me with the sands of my official life rapidly running out, I would rather speak as a Member of thirty years' experience in this House who speaks to his

brother Members and comrades, if I may dare to use the term (cheers). I would fain hope that, by the co-operation of all its Members, this House may continue to be a pattern and a model to foreign nations, and to those great peoples who have left our shores and have carried our blood, our race, our language, our institutions, and our habits of thought to the uttermost parts of the earth. I would fain indulge in the belief and the hope, and as I speak with the traditions of this House and its glorious memories crowding on my mind, that hope and that belief become stronger and more emphasized, though with both hope and belief I would couple an earnest but an humble prayer than this House may have centuries of honour, of dignity, and of usefulness before it, and that it may continue to hold not a prominent only, but a first and foremost position among the Legislative Assemblies of the world (loud cheers)."

Sir William Harcourt, as Leader of the House, expressed in a few words "the deep and painful emotion" which the announcement of the Speaker's resignation had evoked. The right hon. gentleman also gave notice that on the following day he would move the two customary resolutions, —one of thanks to the Speaker for "the zeal, ability, and impartiality" with which he had discharged his duties, and the other that an humble petition be presented to Queen Victoria asking that Her Majesty would be graciously pleased to confer on the retiring Speaker "some signal mark of her royal favour," and assuring her that whatever expense she should think fit to be incurred on that account the House would make good the same. The Speaker then retired, and the Chair was taken by Mr. Mellor as Deputy Speaker.<sup>1</sup>

On the next day Mr. Speaker Peel again took the Chair, and again the Chamber was crowded in every part. Sir William Harcourt, in moving the resolutions, made a most felicitous little speech. He said the real authority of the Speaker rested absolutely on the confidence of the House. That confidence Mr. Peel had earned, and that authority he had exercised to his own high honour and to their great advantage. He had added fame to a name among the most

<sup>1</sup> *Parliamentary Debates* (4th series), vol. 32, pp. 1126-9.



illustrious in the annals of the House of Commons, and he had exalted the dignity of a station the highest to which an English gentleman could be called. "It has been said," the right hon. gentleman proceeded, "that the memory of the departed who have deserved well of their country is a possession for ever; and the House of Commons, when you, sir, have left it, will enshrine the record of your Speakership among its purest and noblest traditions."

Mr. A. J. Balfour, as Leader of the Opposition, seconded the resolutions. He referred to the personal feeling of grief which animated all Members of the House, and added:—

"For it will be said of you, sir, not merely that you have occupied a great place in the long line of illustrious Speakers, perhaps the greatest place for many generations past (cheers); but it will also be said of you, that each individual Member of the House found in you a kind and considerate guide (cheers), and that you carried with you in your retirement not merely the respect and admiration of all who have watched your great career, but also the love and affection of every single Member of this great Assembly whose interests you have served so well (loud and prolonged cheers)."

Representative Members on the back benches joined the leaders of the two great political Parties in giving testimony to the high qualities of Mr. Peel's Speakership, and the affection in which he was personally held. Mr. Joseph Chamberlain, as Leader of the Liberal Unionists, said a few highly appreciative words. The action of the Irish Nationalists was especially noteworthy. At this time they were split into two sections, generally known as "Parnellites" and "Anti-Parnellites"; but they united in paying a tribute to Mr. Peel which, it was said, was by him the most highly prized of all. Mr. Justin M'Carthy, who led the larger Anti-Parnellite section, recalled that the Speaker, in his valedictory address the day before, said that the time of his election to the Chair was a time of storm and stress. "It was," said he, "a time of storm and stress for you, sir, still more, perhaps, for myself and for my colleagues. But we have learned to know each other better since that time,

and I am now glad to say, proud to say, on behalf of all my friends in this House, that we recognize your absolute impartiality (loud cheers), as well as all the many other exalted qualities which you have displayed in the Speaker's Chair." Mr. John Redmond, the Leader of the Parnellites, said the Nationalists had been forced by their conception of their duty often to utter jarring notes and to take action in the House distasteful to the sentiments of the majority of Members, but under every circumstance of excitement and unpopularity they had always met from the Speaker uniform courtesy and impartiality.

The resolutions were carried *nemine contradicente*. There was a slight departure from precedent in the resolution of thanks. The original draft as submitted to the Cabinet referred—like all similar resolutions of the past—to the "zeal and ability" of the Speaker, and at the suggestion of one of the Ministers the word "impartiality" was added. The interpolation was not only approved by the House, but afforded keen satisfaction to Mr. Peel himself.

Mr. Peel remained in the Chair till the close of the sitting at a quarter-past 12 o'clock. The Naval Works Bill was under discussion. All through the evening the Speaker held an informal *levee*. Member after Member came up to the Chair to bid him good-bye. The hand-shaking was marked by extreme cordiality. The memories that thronged on Mr. Peel during his last hours in the Chair must have been sad as well as triumphant; but happily they were undarkened by the thought of any serious indiscretion or mistake. At the end, the occupants of the two Front Benches took leave of him by the hand. As he stepped from the Chair for the last time the Members rose to their feet and uncovered, and cheered him warmly. He bowed in acknowledgment of this final greeting; then turned and disappeared from the Chamber.

The *Journals* contain no reference to this remarkable scene. The record of the day's proceedings thus concludes: "And then the House, having continued to sit till a quarter of an hour after twelve of the clock on Wednesday morning,

adjourned till this day." But the *Journals* contain a report of Mr. Peel's valedictory speech. A speech can only be inserted on the *Journals*—which are intended to be a record of things done and not of things said—by a special resolution of the House, and this was moved by Sir William Harcourt the day before.

## CHAPTER LXX

## BITTER PARTY CONTEST FOR THE CHAIR

AFTER an interval of many years there was a return to the custom of appointing a lawyer to the Chair in the election of William Court Gully, in succession to Peel, on April 10, 1895. The son of a physician, Mr. Gully was born in London in 1835, educated at Trinity College, Cambridge, and went from the University to the Bar, to which he was called in 1860. He was returned to Parliament for Carlisle in 1886, and in the same year was appointed Recorder of Wigan, a position which he filled until the crowning event of his life in 1895.

He was elected to the Chair under very remarkable circumstances. He had been in the House of Commons for close on ten years. His speeches were few and far between. In some sessions he was absolutely silent. Yet there is an interesting legislative achievement to his credit. He succeeded in having passed a little Bill which made it actionable to have spoken calumniously of the chastity of a woman, thereby remedying a strange defect in the law. But professional work claimed all his energies, even at St. Stephens. A specialist on patent and company law, it was his habit to spend his time in a secluded part of the Library, where silence is strictly enjoined, immersed in his briefs, and he hardly ever entered the Chamber except when summoned by the division bells. Then, having discharged his duty to his constituents or his Party, by recording his vote, he would hasten back to his legal work. His parliamentary career may

be said to have virtually begun as well as ended on the day he was nominated for the Chair by the Liberal Government.

The Unionists proposed Sir Matthew White Ridley, for whom they claimed that during the twenty-seven years he had been a Member he had frequently served as Chairman of the Grand Committee upstairs, and had obtained from active personal experience a thorough acquaintance with the rules and procedure of the House. Not since the famous contest between Manners-Sutton and Abercromby in 1835 was an election to the Chair marked by such bitter Party rancour. There was a heated encounter between the Leader of the Opposition and the Leader of the House. Mr. Arthur Balfour, in supporting the Unionist candidate, replied to the insinuation of Mr. Samuel Whitbread—Mr. Gully's proposer—that the Unionists desired to have in the Chair a representative of the landed interest. He said that if they looked through the list of Speakers during the past hundred years they would find that the Tory Speakers had not, as a rule, been landowners, and that if they wanted to discover specimen representatives of the landed interest they would find them in those great Whig Speakers, Mr. Denison and Mr. Shaw-Lefevre. He proceeded to say that Mr. Gully's ambition had hitherto lain in a sphere totally outside the House of Commons. Was not the hon. and learned gentleman wholly unknown to Members in any capacity connected with the transaction of the business of the House. "He has never, so far as I am aware, opened his lips in our debates," continued Mr. Balfour; "he has never, so far as I know, served on a Private Bill Committee; he has never, so far as I know, served on a Select Committee; he has never, so far as I know, attended on a Grand Committee." He asserted that the Government, in proposing for the Chair a Member who had taken so little part in parliamentary proceedings, and had so little identified himself with parliamentary life, had absolutely broken all the traditions of the House.

Sir William Harcourt, the Leader of the House, replied to Mr. Balfour with considerable acrimony. He charged the

right hon. gentleman with having, by his interposition in the debate, departed from the precedent established by the great masters of parliamentary law, who, on the occasion of the last contest for the Chair in 1839, determined that neither of the Party leaders, Lord John Russell and Sir Robert Peel, should take part in the proceedings. He then went on to refer to the negotiations which had taken place behind the scenes, with the object of trying to select a candidate who would be acceptable to both sides. As Leader of the House it was his first object, he said, to secure, if it were possible, a unanimous election; and the Government would have supported Mr. Leonard Courtney, a member of the Opposition, who had been Chairman of Committees for years and whose fitness for the Chair could not be questioned. But who defeated that aim? "It was the veto of the right hon. gentleman," he replied, "who in the name of the minority—and in that case it would have been a small minority—undertakes to dictate to this House, and to its majority, who shall be designated to be in the Chair."

At this there were Opposition cries of "What about Campbell-Bannerman?" Though a Member of the Cabinet he desired to be Speaker, and the Opposition would have supported him. "In answer to that," said Sir William Harcourt, "I have to say that it would have been contrary to all parliamentary precedent that a member of the Cabinet should have gone from the Treasury Bench to the Chair. That in itself was, to my mind, an objection of the strongest character to such a proceeding."<sup>1</sup>

A division was taken, and the Government candidate was elected by the small majority of eleven.<sup>2</sup> Thus did Mr. Gully come to the Speakership. As he was being conducted to the Chair the majority of the House—even most of the political Party of which he was a Member—saw him for the

<sup>1</sup> The right hon. gentleman was theoretically correct in saying it was contrary to precedent for a Cabinet Minister to pass to the Chair straight from the partisan atmosphere of the Cabinet. Abercromby had been a Cabinet Minister, but at his election to the Speakership by the Whigs in 1835 a Tory Government was in office, though not in power.

<sup>2</sup> *Parliamentary Debates* (4th series), vol. 32, pp. 1369-96.

first time ; and they saw a man who, at any rate, was possessed of the traditional physical qualities for the Speakership. He had a fine presence. A very handsome gentleman he was, with clear-cut features, fresh complexioned, and evidently of urbane, smiling manners. In truth, when he appeared later in wig and gown he looked every inch the Speaker.

## CHAPTER LXXI

### POLICE SUMMONED TO THE SPEAKER'S AID

MR. Gully discharged the duties of the Speakership to the satisfaction of all. He kept the House well in hand with mingled firmness and urbanity, and throughout his term of office retained the confidence of both sides. It can hardly be said, however, that he was a great Speaker. As a highly trained lawyer he had the faults of his qualities. The weakness of his Speakership was that it was too much influenced by the literalism of the lawyer. He was a routinist, and he had the defects as well as the merits of the stickler for the strict rule. His manner was softer and far less authoritative than that of Mr. Peel. Oftentimes this is but the outer and visible sign of a timid disposition and an uncertain mind. But Mr. Gully was by no means uncertain. In the interpretation of the rules he was far stricter than Mr. Peel, though his decisions were delivered in a tone and spirit the most courteous and urbane, and—what was perhaps a weakness—he was disposed to give reasons for them when they were questioned.

There is no more trying period of a sitting for the Speaker than "Question time," when Members—provided they give notice of their queries, so that they may be printed on the Order Paper—have the right of interrogating Ministers on matters of administration. Mr. Peel allowed the Ministers to be cross-examined by means of "supplementary questions" having relation, more or less, to the subject of the main question. Mr. Gully brought the practice to an end,

regarding it as an abuse of the right of interrogating Ministers. He insisted that the supplementary question must literally arise out of the answer to the main question given by the Minister; and as he was the judge of its relevancy, there arose a sore feeling among Members that their legitimate desire for information in relation to public affairs was hampered by the cold, lawyer-like preciseness and pedantry of the Speaker.

Mr. Speaker Gully, like Mr. Speaker Brand in 1881, was confronted by a situation of exceptional difficulty, with which, being also unprecedented, the existing rules of the House provided no way of coping. On March 5, 1901, the House was in Committee of Supply on a vote on account of £17,304,000 for the Civil Service and Revenue Departments. Until midnight the Committee was debating an amendment hostile to the policy of the Board of Education, and after the division on this amendment Mr. Arthur Balfour, Leader of the House, moved the Closure on the vote. The motion, of course, shut out for the time, at any rate, the raising of any other question of administration. It happened that, included in the vote on account were two millions sterling affecting Ireland, and by the application of the Closure the Nationalist Members were denied the opportunity of discussing some Irish questions for which they had waited during the night. As a protest they adopted the extreme, though not unprecedented, course of declining to leave their places and go into the lobbies to vote in the division on the Closure. By reason of the new method of taking divisions, which came into use in 1907, such a demonstration would now pass unnoticed. During a division the doors of the Chamber are now left open, and Members are free to remain in their seats, to come or go, to vote or not to vote, as they please. But at that time, when a division was challenged, the doors were locked, and every Member who was in his place was obliged to pass through one or other of the division lobbies, and have his vote recorded. If a Member did not desire to vote he was expected to walk out before the doors were locked. There-

fore the Nationalist Members who refused to budge when the Chairman of Committees (Mr. J. W. Lowther) directed the House to be cleared for the division were guilty of a serious breach of order. The Chairman sent for the Speaker, as he was bound to do, when Members take an obstructive and disorderly line in Committee, and reported the circumstances, and, as they continued contumacious the Speaker "named" twelve of the large group of Irish Members present for wilfully obstructing the business of the House and disregarding the authority of the Chair. The suspension of these Members was moved by Mr. Balfour. As the Nationalists declined to name tellers, no division was taken on the motion, and the Speaker declared it carried.

The suspended Members were then directed to leave the House, but they again refused, and the Speaker ordered the Serjeant-at-Arms to remove them by force. In previous scenes of the kind the force employed consisted simply of the hand of the Serjeant-at-Arms. At its touch on his shoulder the intractable Member, "yielding to superior force," as he was careful to declare, rose from his seat and walked out. Mr. Speaker Brand had to cope with a similar emergency the day after his famous *coup d'état* in 1881. Parnell was "named" for "wilfully disregarding the authority of the Chair"—by persisting in moving that Gladstone be not heard—and the usual motion for suspension was submitted by the Leader of the House. A division was challenged on the motion, and was proceeded with, though the Nationalists remained in their seats and took no part in the voting. On the completion of the division, the motion for the suspension of Parnell having been carried by 405 votes to 7, twenty-eight Nationalists were "named" and suspended *en bloc*. "Then followed a curious scene, which lasted nearly half an hour," says a contemporary account. "The Speaker read out the names of the twenty-eight Members one by one in alphabetical order, and directed them to withdraw. Each in turn refused to go unless compelled by superior force, and each was in turn removed by the Serjeant-at-Arms by direction of the Chair. Each made



a little speech; and while some walked out when touched by the Serjeant-at-Arms, others refused to move until the messengers were brought in.”<sup>1</sup>

The Irish Members “named” by Mr. Speaker Gully, and suspended accordingly, likewise refused to quit the Chamber unless compelled by superior force. Unhappily, they meant what they said in the letter as well as in the spirit. Some of the messengers of the House were summoned to carry out the order of the Speaker, but such was the resistance of the suspended Members that the muscular powers of these officials proved inadequate to the task. In the circumstances the Speaker directed a body of police to be called in, and nine of the contumacious Nationalists, fiercely resisting to the last and singing “God save Ireland,” were borne on the shoulders of constables out of the Chamber amidst tremendous clamour. The scene will be for ever memorable for this, if for nothing else, that for the first time in the long history of Parliament a body of police crossed the sacred Bar of the House of Commons to suppress an attack on its authority and dignity.

The situation was one of great difficulty, its circumstances were exceptional, and no one—not even the Speaker—is always discerning and wise. Mr. Gully, therefore, did not escape criticism. The employment of the police for such a purpose, on the floor of the House of Commons, was felt to be a degradation of Parliament. But to what other alternative could the Speaker have resorted in such a sudden, unexpected, and distracting emergency? It was impossible to have imagined that the Nationalists would carry their protest to so extreme and unprecedented a point as to necessitate their being forcibly thrust or carried out of the Chamber. Moreover, it might be said that the Speaker was bound at all costs to maintain his authority. No doubt, also, he called in the police reluctantly against his will, and under the direst and most inexorable pressure. Was there any other way open to him? He might have followed the example of decision and courage set by Mr. Speaker

<sup>1</sup> *Annual Register* (1881), pp. 55-6.

Brand in 1881, and, rising, as his predecessor rose, superior to the rules at the call of a tremendous crisis, have adjourned the House at his own instance and on his own responsibility. But not to every Speaker is given the capacity for rapid thought and clear decision amid the confusions of un-anticipated circumstances.

The moral authority of Mr. Gully was never quite the same again as it had been before that memorable and unhappy night. In his rulings there was indicated a certain nervousness not noticeable previously. And he was not allowed to forget his error of judgment. For the rest of his Speakership the Nationalists in moments of excitement and disorder were given to shouting, "Police! Police! Send for the Police!"

It is an episode that can hardly be repeated, for a new Standing Order was immediately passed which enables the Speaker to deal with serious disorder by simply quitting the Chair and putting out the lights. "In the case of grave disorder arising in the House," it runs, "the Speaker may, if he thinks necessary to do so, adjourn the House without question put, or suspend any sitting for a time to be named by him." The first application of the new rule was on May 22, 1905. Sir H. Campbell-Bannerman, Leader of the Liberal Opposition, moved the adjournment of the House in order to call attention to the Prime Minister's statements in regard to the proposed Colonial Conference on the question of fiscal reform. The Colonial Secretary, Mr. Lyttelton, got up to reply, but the Opposition received him with cries of "Balfour," and refused to hear him. For one hour exactly, from 9.30 to 10.30 o'clock, disorder and tumult prevailed in the Chamber. This was perhaps the longest "scene" on record. As a rule disorderly incidents in the House of Commons occur unexpectedly and quickly terminate, though the reports in the newspapers may give the impression that they last for hours. The "scene" was also remarkable for the fact that the entire House, the two front benches as well as the back benches, took part in it. Through the accident of the illness of Mr. Speaker Gully it happened

that on this occasion of grave difficulty and peril the Chair was occupied by Mr. J. W. Lowther as Deputy Speaker. After several vain efforts to subdue the tumult he declared the sitting at an end.

## CHAPTER LXXII

## MR. SPEAKER LOWTHER

MR. Gully retired from the Chair in 1905, and was made a peer with the title of Lord Selby. The choice of the Unionist Government, then in power, for the Speakership was Mr. James William Lowther, who had acted as Chairman of Committees and Deputy Speaker for ten years. The selection was unanimously approved by the House. Mr. Lowther was elected Speaker without opposition.

Mr. Lowther is essentially a "Parliament man," not only in himself, but also by heredity. He comes of an old and distinguished Westmoreland and Cumberland family which has been associated with the House of Commons for over two hundred years without a break. He was born in 1855, the son of the Hon. William Lowther, who was Member for Westmoreland for a quarter of a century. Educated at Eton and Trinity College, Cambridge, Mr. Lowther was called to the Bar in 1879. He first entered Parliament in 1883 as Member for Rutland, and a Conservative. In 1885 he stood for the Penrith division of Cumberland, and failed; but he succeeded in 1886, and has represented that constituency ever since. For four years, from 1891 to 1895, he held office in the Unionist Government as Under-Secretary for Foreign Affairs. He was appointed Chairman of Ways and Means and Deputy Speaker in 1895, and filled the position for ten years. It was a long and toilsome apprenticeship for the high and more vastly responsible eminence of the Chair.

On June 8, 1905, Mr. Lowther was elected Speaker. The Parliament was prorogued on August 11, never to meet

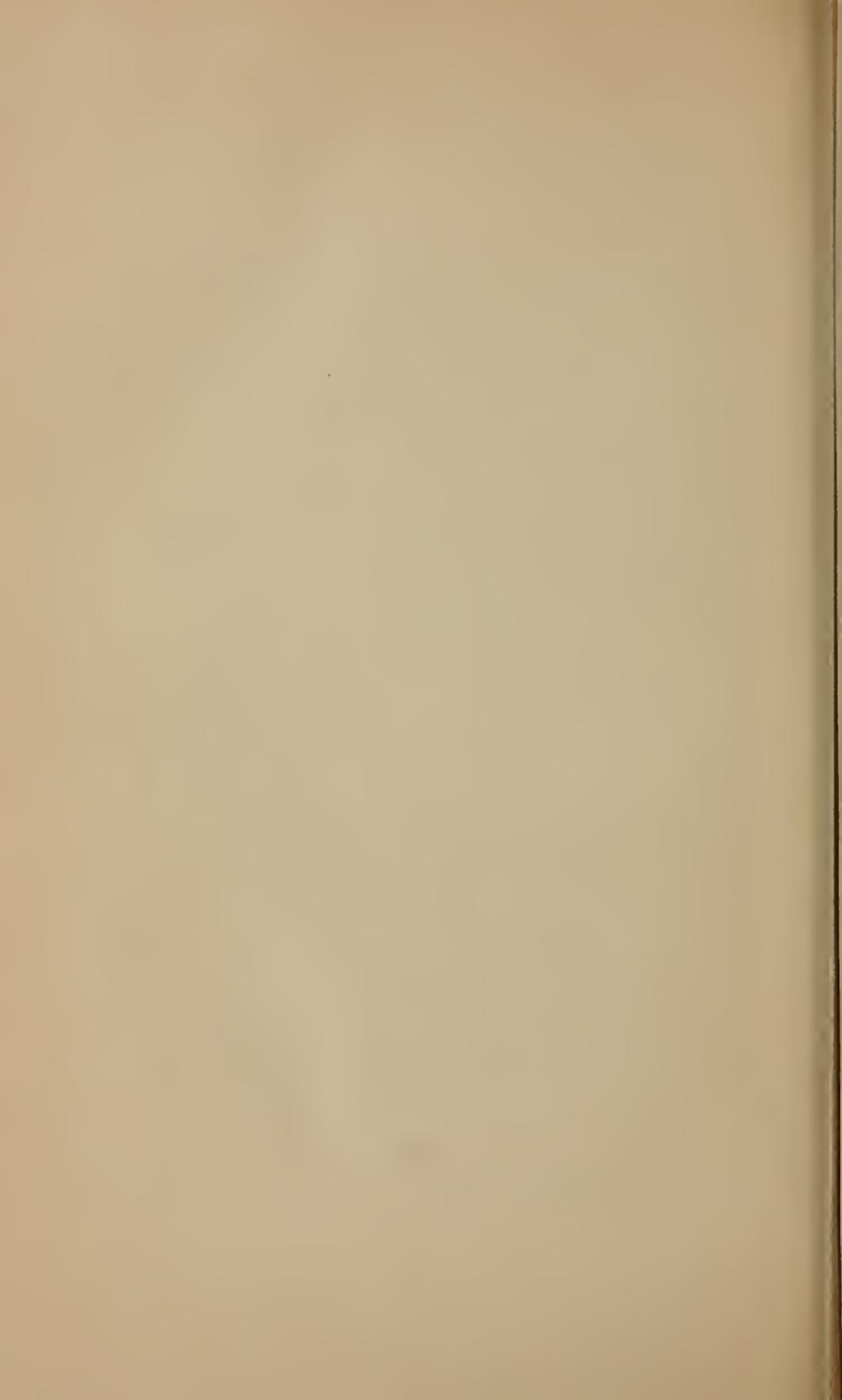
again, for it was dissolved in December. Though he was thus in office only for two months, and though the Liberals emerged from the General Election of January 1906 triumphant beyond all example, the continuity of the Speakership was recognized by his re-installation in the Chair. This was done not only unanimously, but amid the acclamations of all sections of Members. Brief as had been his occupancy of the Chair, he had shown the House of what metal he was made. Never has there been a more genial guide of the proceedings of the Commons. Never has there been a more impartial judge between high and low in the House.

Mr. Lowther is a bearded Speaker. If the portraits of the long line of Speakers are examined it will be found that in the days of Elizabeth, and for some time before and after her reign, nearly all the Speakers had beards and moustaches. Then came a long succession of clean-shaven Speakers, which was not broken until 1883, when a Speaker with a beard was elected in the person of Mr. Peel. As I have already indicated, many Members were at the time distressed by the unfamiliar spectacle of a bearded Speaker, and there was even talk of petitioning Mr. Peel to shave his chin. Mr. Gully followed with a clean-shaven face, which fitted the great grey wig so perfectly. But Mr. Lowther, like Mr. Peel, declined the razor, and presented himself in the Chair as the House had always known him, wearing a fair beard and moustache, and with his blue eyes and ruddy cheeks, looking the country squire addicted to sports and the open-air life.

In the Liberal Parliament of 1906, Mr. Lowther had to face three hundred new Members, strangers to St. Stephens and its ways, and the rise of a strong, able, and ambitious Labour Party. These uncertain and incalculable elements, uninfluenced by, because unfamiliar with, the parliamentary traditions and unwritten rules of conduct, created a situation of the most trying character for the Speaker. But Mr. Lowther soon impressed his winning and irresistible personality on the House, and by his unbiassed judgment,



MR. SPEAKER LOWTHER WITH HIS TRAINBEARER, PRIVATE SECRETARY, DEPUTY  
SERJEANT-AT-ARMS, AND ARCHDEACON WILBERFORCE, CHAPLAIN OF THE HOUSE  
OF COMMONS



his sense of seeing things in their true proportions, his tolerance and humour, soon won its unreserved confidence. His most invaluable gift is his genial and unerring mother wit. It is a daily delight to the House. More than that is its efficacy in tempering the asperities of debate. Mr. Lowther can be stern and inflexible when he thinks the occasion requires the display of these qualities. But it is his mellow and wise toleration of human eccentricity and waywardness that he most displays. He has the valuable faculty of perceiving the light side of incidents and situations. He knows how to indulge the collective humours of the House, as well as individual foibles and mannerisms and small vanities, and often when a storm seemed brewing has some cool and sagacious remark or some witty joke from the Chair dispelled the menacing clouds by catching the dangerous current in the air and turning it harmlessly down to earth.

In debate one night a charge of wilful obstruction was received with resentful cries by those against whom it was directed. The Speaker was appealed to whether it was in order to accuse hon. Members of wilful obstruction. "I have seen the thing done, and have heard the accusation made," was the dry comment of the Speaker. On another occasion a Member made a statement which turned out to be inaccurate. "Is not an expression of apology due from the hon. gentleman?" the Speaker was asked. "I am afraid a great deal of time would be occupied in this way," said Mr. Lowther rather sardonically. He is the incarnation of common sense. On occasions of bitter dispute between the two sides a brusque word, thoughtlessly uttered from the Chair, tends to exacerbate the spirit of discord in the Chamber. But Mr. Lowther, by one of his well-pointed jokes or little ironies, usually contrives to render innocuous a situation with the promise of mischief; for when the House is moved to laughter personal rancour or petty passion dissolve and give way to sweet reasonableness and good humour.

Mr. Lowther permits at question-time more freedom and

latitude in the asking of supplementary interrogations—arising out of the answers of Ministers to the printed questions of Members which appear on the daily Order Paper—than was allowed by Mr. Gully, whose aim it was to suppress these supplementary inquiries. Thus Mr. Lowther has reverted, to some extent, to the practice of Mr. Peel, who, in effect, placed no curb on the attempts of Members to elucidate points left undetermined by the Ministerial answers. But in the session of 1911, Mr. Lowther laid down a rule with respect to questions in words characteristically terse and to the point. "If," he said, "questions are at all important they should be put on the Paper. If they are not important they should not be asked."

Mr. Lowther has also the knack of keeping the flow of supplementary questions within reasonable bounds by a neat phrase or a dry sarcasm, just and appropriate to the occasion. A Minister, though severely heckled, vouchsafed no information. "Arising out of that answer," the baffled and angry interrogator cried, only to be cut short by the Speaker's "Order, order," and the humorous sally—"The hon. Member is mistaken; there has been no answer." A Member noted at question time for his frequent and verbose interpositions, which were more expressions of opinion than inquiries, was thus reprov'd: "The House is always glad to hear the hon. Member's speeches, but not at question time." Once an indignant Member appealed to the Speaker against the immovable silence of the Prime Minister, Mr. Asquith, with respect to a certain question. "Has not a private Member the right to ask a Minister any question relating to his Department?" "Certainly," said the Speaker, "hon. Members have the right to ask questions,"—here Mr. Lowther was interrupted by the cheers of the hon. Member and his friends,—“but,” he proceeded drily, “that does not necessarily mean that Ministers are obliged to answer them.”

Mr. Swift MacNeill, the well-known and popular Nationalist Member, one day in his resentment of an un-



satisfactory answer to a question relating to Ireland, indulged in a characteristic outburst of voluble and sarcastic merriment. "The hon. Member," said the Speaker gravely, "must put his interruption in the form of an interrogation." No one enjoyed more than the Irishman this commentary on one of his qualities. On another occasion the same hon. Member, who had vainly tried to catch the Speaker's eye, at the close of question-time rose to a point of order. He said that he wished to address a supplementary question to the Secretary for War. "I am afraid the hon. Member is too late now," said the Speaker. "Then, sir, I am the victim of my own courtesy," was the genial remark of Mr. Swift MacNeill. "The hon. Member," said the Speaker with his ready appreciation of the humour of an occasion, "is rather the victim of an unusual inactivity on his part." At the end of question-time, on another day, a Member complained that a question which he had had on the Paper for a fortnight, addressed to the Chancellor of the Exchequer, had been put off again and again at the request of the right hon. gentleman. "On Thursday," said he, I was asked to postpone it until to-day, and I am now asked to again postpone it." From the Speaker came a most unexpected reply. "The hon. Member," said he, "must not look at me in such a reproachful manner."

Here is another example of Mr. Lowther's ready wit at question-time:—

*Earl Winterton*: I have some doubt as to whether the question I am about to put arises directly out of the right hon. gentleman's reply——

*The Speaker*: If the noble lord has any doubt, he had better not ask it. (Laughter.)

*Earl Winterton*: On consideration, Sir, I think I have no doubt. (Laughter.)

*The Speaker*: On consideration, I think I have. (Loud laughter.)

That Mr. Lowther can be stern was illustrated by an incident of the session of 1909. The Lord Advocate of Scotland, Mr. Ure, made a speech in the country in which

he said there was a danger that under Tariff Reform the money for old age pensions would be unavailable. In reference to this speech a Unionist Member asked the Prime Minister, in a question of which he had given private notice, whether his attention had been called to the fact that in some constituencies posters were being used "to reproduce the dishonourable statements of the Lord Advocate." "The hon. Member," said the Speaker peremptorily, "must know that he must not insert an adjective of that kind. I think he had better put his question on the Paper." "Of course, I apologize if you say I ought not to use the word, and I withdraw it," said the Member; "but in view of the great apprehension I do ask to be allowed to continue the question." But the Speaker was relentless. "As the hon. Member's epithets are rather of a doubtful character," said he, "I should like to see the question on the Paper."

One night in the session of 1909 also Mr. Lloyd George was interrupted in the course of a speech by a young Irish peer sitting on the Opposition benches. At last the Chancellor of the Exchequer, resenting the ejaculations, exclaimed: "I should think the argument would be plain even to the colossal intellect of the noble lord." Immediately the young peer was on his feet, appealing to the Speaker for sympathy. "Is it in order for the right hon. gentleman to refer to my colossal intellect?" he asked. "Well," said the Speaker in his most level tone of voice, "I think it is not only in order, but is rather complimentary than otherwise."

In the same session Mr. Byles, the Radical Member for Salford, lectured Members for their long and irrelevant speeches. "The Speaker," said the hon. gentleman, "often shows excessive patience with prolix Members. One of the Standing Orders allows the Speaker to arrest irrelevance"—Here the Speaker arose and, interrupting Mr. Byles, said: "I am afraid I shall have to put that order in force now. The hon. Member is going beyond the limits of the motion before the House." The House

laughed heartily; and the merriment increased when Mr. Byles, rising happily to the occasion, said he was obliged to the Speaker for giving a striking example of the kind of repression he desired to see applied to other Members.

The many volumes of the *Parliamentary Debates* will be searched in vain for any witticisms from the Chair before the advent of Mr. Speaker Lowther. Some of Mr. Lowther's immediate predecessors were great Speakers. All of them were models of devotion to duty. But all of them seem to have found that presiding over the House of Commons was anything but agreeable and amusing. They were by temperament and disposition incapable of extracting, at times, some relaxation and humour out of their occupancy of the Chair; for they lacked, one and all, the priceless quality of being able to see the comic and ludicrous side of things.

Shaw-Lefevre was mainly concerned with presenting to the House a port of stately dignity; Denison, with exquisite shyness, shrank from obtruding himself on the notice of the House; the foibles of Members only brought a pained expression to the sensitive face of Brand; Peel was so intensely in earnest that his stern brow scarcely ever relaxed; Gully acted upon the mere letter of the rules with the pedantry of the lawyer. Gravity was the mark of all these Speakers. They never indulged in a timely witticism or a gentle pleasantry themselves, and the jokes of Members scarcely ever crumbled into smiles their set and solemn countenances.

Mr. Lowther, then, is the first of the Speakers with a kindly, humoristic eye for the extravagances and incongruities of Members. It must not be supposed, however, that he is a jocular gentleman in wig and gown who passes his time in the Chair of the House of Commons saying funny things. He is a man of rare individuality. He has all the qualities which are regarded as essential in the Speaker. Among the first are a fine presence and personal dignity. His temper and demeanour are imperturbable. The voice is full, deep, and yet soft and

lulling. It never loses its evenness. It is the voice of a strong, good-humoured man who will not allow himself to be confused or worried or irritated, like Peel and Gully, but waits upon events with philosophic calm and resignation, ready to do the right thing or say the soft word when the moment comes for him to intervene. When he stands up to call to order or to reprove, what a contrast between his composed and leisurely manner and the boisterousness of the Member upon whom he fixes his tolerant but steady gaze.

Still, his humour remains his most valuable gift. It is natural, unforced and genial. While Mr. John Burns was explaining the Town Planning Bill he was persistently interrupted by Mr. Lupton, a perverse, though clever, Member sitting below the Gangway. "This," said the Speaker, "is a debate, not a conversazione." Nothing could be more good-humoured and yet more effective. His tact in turning points of order aside with a jest saves many a scene. They usually relate to matters of small importance,—though, for the moment, the Members especially concerned are very excited about them,—and they are best treated as much ado about nothing. Thus it is that the relations between the House and the Chair was never closer or more homely; and, in consequence, never has the authority of the Speaker been more willingly recognized and cheerfully accepted by all sides.

These relations between the House and the Chair were strikingly manifested on February 20, 1911, when the subject of the Whips' Lists, which had been raised by Mr. Laurence Ginnell on the occasion of the unanimous choice of Mr. Lowther as Speaker for the fourth time at the opening of the first Parliament of King George v.,<sup>1</sup> came again before the House. Mr. Josiah Wedgwood, the Liberal Member for Newcastle-under-Lyne, wrote a letter to Mr. Ginnell expressing sympathy with his action on the first day of the session. In this communication Mr. Wedgwood declared that the Speaker "was not a bit impartial," being

<sup>1</sup> See Chap. VI., "Guardian of the Privileges of the House."

swayed by his political opinions to the extent that he endeavoured to prevent the advocacy of the single tax, of which land policy Mr. Wedgwood was the champion. The letter was not intended for publication, being obviously a private explosion of irritation. But Mr. Ginnell sent it to an Irish newspaper called the *Midland Reporter*, and thus the communication was brought before the House as "a gross libel on Mr. Speaker," and a grave breach of privilege.

Mr. Wedgwood withdrew all the imputations contained in his letter, and tendered to the Speaker and the House a full and unreserved apology. On the suggestion of the Speaker the explanation of the hon. Member was accepted and the motion was withdrawn. Then it was moved that the publication of the letter was a breach of privilege. Mr. Ginnell was unrepentant and defiant. As the letter was not marked "private," he deemed it his duty to send it to the Press in order to show the public how their business was conducted in the House of Commons. For the rest, the whole burden of his speech was the iniquity of the system by which the Whips supply to the Chair lists of Members who desire to take part in important debates. "The specific complaint against the Speaker and against the Chairman of Ways and Means," said he, in extravagant terms, "is that by receiving from the Party Whips lists of Members secretly selected, and by giving them preference and precedence in debate, they consciously or unconsciously co-operate with the Whips in depriving of their undoubted rights the Members maliciously kept off those lists. (Laughter and some Ministerial cheers.) This is unfair, illegal, and unconstitutional." (Cries of "Order!" and interruption.)

The discussion which followed was of deep interest. It disclosed the methods by which full-dress debates are organized. It also revealed the existence among Liberal Members of a large amount of underlying discontent with the Whips' Lists, as a menace to free discussion in the House by still further curtailing the few opportunities for the expression of their views available to independent Members, whose names did not appear on these lists. As to that the

Speaker made a statement of the greatest importance and weight. He said:—

“Perhaps the House will allow me to say a word or two. I need hardly say that I do not propose to defend myself against a charge of partiality (Hear, hear), but the House might like to know exactly how the matter stands with regard to what has been the system termed handing in lists of Members. When a big debate takes place it is extremely convenient for the Speaker—and this also includes the Chairman of Committees—to know what Members on either side of the House are prepared with speeches with regard to the particular motion under discussion. Our time is generally limited, and the Chair is anxious to discover the most representative men in order to call them, so that the different views of different sections of the House may be before it. In 1906, when I was confronted by a very large number of new faces that I did not know, I asked the Whips, continuing a former custom, to supply me with the names of Members desiring to take part in debate. That custom has continued. It is only applicable to what the House calls full-dress debates. I do not—and I am sure the Chairman of Committees does not—consider myself bound in any way to limit my discretion to the number of names which appear on the list. It is a great convenience to the Chair to know what gentlemen are particularly interested in the subject-matter which is under discussion. One hon. Member has been kind enough to inform me—a matter of which I was not aware—that although his name never appeared on any official list handed in either to myself or to the Chairman of Committees, during one session he was called upon no fewer than twenty times. I think that that is a sufficient refutation of the suggestion that the Chairman of Committees and myself are in any way limited to the list of names. (Hear, hear.) Notwithstanding what has been said, I shall certainly continue to ask for and receive lists from all Parties in this House, because I conceive that it is of great value to the Chair, and it is also of great value in seeing that all sections of the House get proper representations in the debates that take place. (Cheers.)”

Nevertheless, there was something like an uprising of protest on the part of the dumb battalions who sat on the

Ministerial back benches. Mr. Byles, the Liberal Member for Salford, contributed a comment, pertinent and very pointed, on the statement that it is the practice of the Speaker to call on those Members whom he thinks the House would wish to hear. "I would suggest," said the Hon. Member, "that it is extremely desirable that the House should sometimes have to listen to those whom it does not wish to hear." Mr. Martin, a Liberal Member sitting for a London constituency, asserted that as he had thought it his duty to vote against the Government his name had been put down not on the Whips' List but in their black-books. He then proceeded to give the following entertaining account of his vain seeking for an opportunity to join in a debate:—

"On one occasion, in order to put himself right with his constituents (laughter),<sup>1</sup> he wanted to say a very few words indeed upon a question then before the House. He tried three days (laughter)—yes—he got up every time the Member speaking sat down, but presently he began to notice that the hon. Member who was called upon had not been in the House at all a few moments before, but rose with calm confidence and was at once called upon. On a subsequent occasion, noticing the same thing again, an hon. friend said to him: 'You have not taken the right way. You should go to the Chairman of Committees and tell him you want to speak.' Being a new Member he acted upon the advice. The Chairman said: 'What do you want to say?' He should be here a long time before he should think it possible to explain to the Chairman of Committees what he was going to say. (Laughter and cheers.)"<sup>1</sup>

Mr. Ginnell was suspended from the service of the House for a week. There was a division, and the motion was carried by 311 votes to 84, or a majority of 227. The minority thought that censure, without suspension, would be adequate punishment for the offence. Thus ended the fullest and frankest, and therefore the most significant, debate on the relations between the Chair and the House

<sup>1</sup> *The Times*, February 21, 1911.

that has ever taken place. But there was not the slightest sympathy shown in any quarter of the House with the imputation of unfairness to the Speaker. By common consent Mr. Lowther had succeeded in elevating impartiality to a fine art.

Thus there is nothing that the House of Common resents more warmly, or with a keener pang of pain, than an attack on the Speaker. Such is its jealousy of the dignity and authority of the Chair, that it has encompassed it with an atmosphere of extraordinary reverence. It has come almost to believe that the Speaker can do no wrong. Certainly, every parliamentary sword would leap from its scabbard to avenge even a look that threatened him with insult.



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